

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/23/02330/FPA
FULL APPLICATION DESCRIPTION:	Conversion of agricultural land to wetland habitats with associated engineering works and creation of temporary access bridge
NAME OF APPLICANT:	C/o Agent: Chris Smith, Lichfields
SITE ADDRESS:	Land West Of Low Hardwick Farm, Sedgefield TS21 2EH
ELECTORAL DIVISION:	Bishop Middleham and Cornforth
CASE OFFICER:	Callum Harvey Senior Planning Officer Tel. 07393 469 380 Callum.Harvey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises five adjoining agricultural field parcels measuring 35 hectares (ha) in total area. The site is located approximately 1.3km west of Hardwick Hall, immediately to the west of the Hardwick Motocross track, and approximately 500m west of Low Hardwick Farm which is within the wider Motocross track site. The application site is also located approximately 560m north of the A689, and approximately 600m east of the A1(M). The site is immediately adjacent to the River Skerne.
2. The site is located within the open countryside and within an Area of Higher Landscape Value.
3. Footpath No.12 (Sedgefield Parish) runs through the northern part of the site, whilst Bridleway No.9 (Bishop Middleham Parish) runs through the northeastern part of the site. Bridleway No.3 (Sedgefield Parish) runs to the east of the site, parallel to the eastern site boundary. Bridleway No.1 (Bradbury & The Isle Parish) runs adjacent to the proposed access to the site from the southeast.
4. The nearest residential properties are 1 and 2 West View approximately 350m to the south, Low Hardwick Farm approximately 500m to the east, and Brakes Farm approximately 700m to the southeast.

5. There are a number of Local Wildlife Sites in and in close proximity to the site, as follows:
 - Island Farm Railway, which runs through the northern part of the site;
 - Carr Wood New Lake Tank Stelle, along the north eastern boundary of the site;
 - A1 Flashes, immediately west of the site;
 - Bishop Middleham Deer Park, approximately 400m north of the site;
 - Hardwick Hall, approximately 1km east of the site.

6. There are no designated heritage assets within the site. The nearest are as follows:
 - Bishop Middleham Conservation Area, approximately 800m to the north;
 - Middleham Castle Scheduled Monument, approximately 850m to the north;
 - Grade II* Church of St. Michael and All Angels, and various outbuildings and ancillary structures, approximately 1km to the north;
 - Grade II* Hardwick Park, approximately 700m to the east;
 - Hardwick Park Conservation Area, approximately 900m to the east;
 - Grade II Hardwick Hall and Hotel, approximately 1.3km to the east;
 - Grade II Sedgefield Railway Station road bridge, approximately 600m to the south.

7. The site is within a designated mineral safeguarding area for river sand and gravel. The site is also in the Lower Risk Coal Advice Area as identified by the Coal Authority. The majority of the site is in Flood Zone 2 as identified by the Environment Agency, with the western and northern parts of the site in Flood Zone 3b meaning they are effectively a functional floodplain. The northern part of the site is in the major groundwater vulnerability area and the southern part of the site is in the lower groundwater vulnerability area. The site is also within the Nutrient Neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area/Ramsar.

The Proposal

8. The proposal seeks to convert the existing agricultural land to form a wetland habitat to the east of an 800m stretch of the River Skerne. The works involve creation of 10 basins up to a depth of 0.5 metres, known as scrapes, and associated soft landscaping comprising reed planting around the edges of the basins.

9. The works require a temporary access bridge to be constructed across a small watercourse which runs along the eastern site boundary known as Tank Stell. The bridge would only be in place during the works to enable vehicles and material to be brought to and from the site. To the east of the bridge would be a temporary site compound and an area to permanently store a small heap of excess spoil excavated during the works, measuring up to 0.15m in height. No permanent buildings or structures are proposed.

10. The site is, and would, be accessed from Sandy Bank to the north of the A689, via an existing farm track passing through Low Hardwick Farm farmstead located to the southeast of the site, which leads up to the southeast corner of the site at a point located to the south of the Motocross track.

11. The scrapes would be created by excavators over a period of approximately eight weeks. Working hours would take place 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, with no works on Sundays and Bank Holidays. The construction of the ponds would then be followed by planting, details of which have been submitted.

12. The purpose of the application is to restore a wetland nature reserve which was lost to agricultural use of the land, with the nature reserve be managed by Durham Wildlife Trust. The scheme forms part of a wider target to create 50ha of restored or new wetland habitat and habitat improvements along 10km of the River Skerne.
13. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

PLANNING HISTORY

14. The current site falls within the wider application sites for the following developments. Those applications related to works to the south and west of Hardwick Hall, and proposed to create water features and landscaping within part of the current application site, therefore they are relevant to the consideration of the current application as they previously approved such features within the current site:

Application no. 7/2008/0589/DM for the change of use of land for the siting of 330 static caravans together with ancillary landscape, access, drainage and engineering works. Conversion of brakes farmhouse and associated buildings to a site management centre and erection of agricultural building. This was approved in February 2009.

Application no. 7/2007/0531/DM for the change of use of the land for the siting of 330 static caravans and 48 lodges together with ancillary landscape, access, drainage and engineering works and the use of brakes farmhouse as a management centre together with the erection of an agricultural building. This application was refused January 2008.

15. The current site also falls within the wider application site for the following development. No works were proposed within the current site under that application:

Application no. 7/2007/0613/DM for the use of land for off road recreational motor sports activity and associated engineering operations (retrospective). This was refused in December 2007 and subsequent appeal dismissed in December 2009.

PLANNING POLICY

NATIONAL POLICY

16. A revised National Planning Policy Framework (NPPF) was published in September 2023. 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.
17. 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.

18. *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.
19. *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.
20. *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.
21. *NPPF Part 11 – Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
22. *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.
23. *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.
24. *NPPF Part 15 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
25. *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.

26. *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>

NATIONAL PLANNING PRACTICE GUIDANCE:

27. 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; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; public rights of way and local green space; use of planning conditions; and water quality.

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

LOCAL PLAN POLICY:

County Durham Plan (October 2020)

28. *Policy 10 – Development in the Countryside.* States development in the countryside will not be permitted unless allowed for by specific policies in the Plan, by relevant policies within an adopted Neighbourhood Plan relating to the application site, or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and with the General Design Principles set out in Policy 10.
29. *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. All 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.
30. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
31. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals, and advice in regard to public rights of way.

32. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
33. *Policy 31 – Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
34. *Policy 32 – (Despoiled, Degraded, Derelict, Contaminated and Unstable Land).* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
35. *Policy 35 – Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
36. *Policy 39 – Landscape.* States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
37. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
38. *Policy 41 – Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or

compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

39. *Policy 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.
40. *Policy 43 – Protected Species and Nationally and Locally Protected Sites.* States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species’ abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
41. *Policy 44 – Historic Environment.* Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets. The Policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
42. *Policy 56 – Safeguarding Mineral Resources.* States that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

NEIGHBOURHOOD PLAN:

Sedgefield Neighbourhood Plan (October 2019)

43. *Policy G1b* - Development outside the Built-up Area Boundary. States that all proposals must be in scale and keeping with the form and character of the neighbourhood area and the local landscape.
44. *Policy E1 – Visual and Spatial Impact*. States that development should enhance the visual and spatial characteristics of the plan area.
45. *Policy E4 - Listed Buildings, Scheduled Monuments and Heritage Assets*. States that proposals which affect designated and non-designated heritage assets will be considered in relation to the National Planning Policy Framework, which seeks to protect them subject to certain criteria.

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 and Sedgefield Neighbourhood Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

46. *Highway Authority* – raise no objection advising that the application raises no concerns over road safety.
47. *Drainage & Coastal Protection (Lead Local Flood Authority)* – raise no objection.
48. *Environment Agency* – following receipt of further details relating to the construction method, raise no objection subject to a recommended condition relating to a Construction Environmental Management Plan. Informatives are also recommended relating to the conservation of protected species during the works. The Environment Agency has also highlighted the particular consideration of Great Crested Newts to the County Council when assessing and determining this application.
49. *Natural England* – has no objection advising that based on the plans submitted, it considers that the proposed development would not have significant adverse impacts on designated sites and has no objection. From the documents accompanying the consultation Natural England consider the application would not have a significant impact on the ‘best and most versatile’ (BMV) agricultural land. Advice is also provided on designated sites/landscapes and advice on other natural environment issues including protected species.

INTERNAL CONSULTEE RESPONSES:

50. *Spatial Policy* – has raised no objection. They advise that CDP Policies 10, 26, 36 and 41 are supportive of the principle of the development which seeks to restore wetland habitat in doing so create natural floodplain. They advise that the views of specialist colleagues will assist in determining the acceptability of the proposal in terms of impact on the character of the countryside, Area of Higher Landscape Value, setting of the scheduled monument, Local Wildlife Site and flood risk.

51. *Access & Rights of Way* – do not object to the application. Officers note that the application states that Footpath No.12 (Sedgefield Parish), Bridleway No.3 (Sedgefield Parish) and Bridleway No.9 (Bishop Middleham Parish) would remain open during the works. Officers also note that the application submits that there would be no surface water flood risk toward these rights of way as a result of the works. Officers note that the construction access route would follow part of Bridleway No.1 (Bradbury & The Isle) and queried if there were any ways to ensure public safety of those using this bridleway during the construction phase. In terms of the surface of the bridleway, after construction and after the temporary access road is removed, officers would require the surface of the bridleway to be made good. In general, officers advise that these Public Rights of Way must not be blocked by any building, barriers, building material, waste or fencing either for the duration of any works or once works are complete. Any works carried out that impact or damage the surface of these paths must be made good. The safety of members of the public using these rights of way must be ensured at all times.
52. *Design and Conservation* – raise no objection. Officers advise that no designated heritage assets would be directly affected, and that those assets which include the application site within their setting will not be harmed as a result of the type of development proposed which reflects the traditional landscape. Officers consider the proposal to accord with Section 16 of the NPPF and Policy 44 of the CDP.
53. *Archaeology* – has raised no objections to the proposals. Officers advise that the submitted Written Scheme of Investigation for the requested archaeological mitigation works is fully appropriate and can be approved.
54. *Landscape* – raise no objection. Officers advise that there would be no adverse landscape or visual effects, whilst the proposals would lead to a beneficial effect on landscape character.
55. *Ecology* – raise no objection. There are no ecology concerns, the ecological survey work and reporting is sound. Any identified impacts can be mitigated for by adherence to the methods provided in section 6 Recommendations of the Preliminary Ecological Appraisal by Durham Dales Ecology.
56. *Environmental Health and Consumer Protection (Contaminated Land)* – No objection. No conditions are recommended, a standard informative is recommended.

PUBLIC RESPONSES:

57. The application has been advertised in the local press (the Northern Echo) and by site notice. Given that the site is isolated from residential properties, no neighbouring letters have been sent out in this instance.
58. No representations have been received from 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/search.do?action=simple&searchType=Application>

APPLICANT'S STATEMENT:

59. The Applicant, Discover Brightwater, is a lottery funded landscape partnership of which Durham County Council (DCC) is a full partner along with the Durham Wildlife Trust. Much of its work centres around the River Skerne to restore, reveal and celebrate the natural, built and cultural heritage of the catchment area of the River

Skerne. Durham Wildlife Trust is seeking to restore lost features in the River Skerne catchment by creating new areas of wetland and restoring canalised sections of the river channel through the Great North Fen project. It is the largest project that Durham Wildlife Trust has undertaken to date which involves 19 different projects including river habitat improvements, wetland creation, heritage, and archaeology. There is a big emphasis on involving local communities within each project to improve the existing environments for both wildlife and land users.

60. The projects that Discover Brightwater are undertaking are helping to tackle important issues and minimise the impact of wetland loss. Nearly 90% of the world's wetlands have been lost since the 1700's and those that remain are rapidly disappearing due to traditional management strategies being replaced by industrial-scale approaches.
61. Discover Brightwater has a target of creating 50ha of restored or created wetland habitat and habitat improvements to 10km of the River Skerne. Previous riparian restoration at Bafferton undertaken by Discover Brightwater has already seen a positive impact with sighting of otters in the cleaner river.
62. The Applicant has engaged positively with the Council and consultees throughout the application process and is pleased to have reached a position where there are no outstanding comments, and the application can be recommended for approval. The scheme will provide an opportunity to restore some of the historical fen habitats that were lost as a result of significant historical modification of watercourses and a lowered water table, due to mining activities and the draining of land for agriculture.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

64. 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) and the Sedgefield Neighbourhood Plan (SNP) are the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The SNP was adopted in October 2019 and covers the period 2018 to 2033. Part of the site falls within the boundary of the SNP with the other part in an area with no Neighbourhood Plan.

65. 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.
66. In light of the recent adoption of the CDP and the SNP the Council 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.
67. The application is for the conversion of agricultural land to wetland habitats with associated engineering works and creation of temporary access bridge. The application site lies within the open countryside. The key principle policy for the determination of this application is CDP Policy 10 relating to development in the countryside.
68. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
69. Policy 10 permits certain forms of development described within the Policy, and other certain forms of development as summarised in Footnote 54 of the CDP. Footnote 54 includes Green Infrastructure, which is covered by Policy 26. Policy 26 states that development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. The Policy also states that this will in turn help to protect and enhance the county's natural capital and ecosystem services. Paragraph 5.256 of the CDP then states that as well as public open space, 'Green Infrastructure' includes wildlife sites and river corridors.

70. The proposal seeks to create wetland habitat which would deliver demonstrable ecological benefits. Whilst the site would not be accessible to the public, the development would still be a form of Green Infrastructure. The proposal accords with CDP Policy 26, and therefore accords with CDP Policy 10. Consequently, the development is acceptable in principle in an open countryside location.
71. There are also a number of applicable environmental protection policies within the CDP, SNP and the NPPF which are considered below.

Agricultural Land

72. 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. It goes on to state that all 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.
73. The NPPF defines the 'best and most versatile agricultural land' as being Grades 1, 2, and 3a. The majority of the site is on land classed as Grade 4 by Natural England, with the northeast corner of the site and the proposed location of the temporary access and compound on land classed a Grade 3b. Natural England define Grade 4 as land of 'poor' agricultural value, whilst Grade 3b is defined as being of 'moderate' agricultural value. The site does not fall within the 'best and most versatile agricultural land' as defined by the NPPF.
74. Natural England has been consulted and has no concerns.
75. Although the development would remove a portion of land from arable use, it is noted that the site is not valued agricultural land as defined by the NPPF, whilst it is considered that the benefits of the development as set out above would outweigh the loss.
76. In respect of soils, some excavated spoil would be used around the edges of the basins with seed planting. It is noted that excess soils would be stored on site through the formation of a mound adjacent to the site compound, measuring up to 0.15m in height, which would remain in place once the works have completed. Stripping, storage, handling and spreading of soil would be in accordance with current best practices.
77. The proposed would therefore not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Landscape and Visual Impact

78. 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.
79. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.

80. CDP Policy 29 requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
81. Policy 39 of the CDP 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, and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
82. CDP Policy 40 states that proposals for new development will not be permitted where they 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.
83. Policy Gb1 of the Sedgefield Neighbourhood Plan states that all proposals must be in scale and keeping with the form and character of the neighbourhood area and the local landscape. Policy E1 of the Neighbourhood Plan states that development should enhance the visual and spatial characteristics of the plan area.
84. The application site is located in the open countryside and an Area of Higher Landscape Value. The site is surrounded to the west by the A1(M) and adjacent tree line, to the north by a footpath and adjacent tree line, to the east by a motocross site and adjacent tree line, to the south by further tree lines. Officers are mindful that the A1(M) to the west and the footpath to the north are located upon raised embankments, however the well-established adjacent tree lines provide a notable degree of screening when looking toward the site.
85. Notwithstanding the degree of screening that the site benefits from, officers are mindful of the scope and nature of the works, and that the construction period would last approximately eight weeks. No permanent structures or hardstanding is proposed. Whilst an access bridge and a site compound are proposed at the eastern part of the site, these are to be in place during the construction period only and are therefore temporary in nature. The removal of these features of the development upon completion of the works can be secured by condition.
86. There are no works planned that should interfere with trees on site, however tree protection measures are also set out in the submitted Construction Management Plan and this document would be secured by condition.
87. Planting details are set out in the submitted Materials and Workmanship Specification document which would be secured by condition.

88. Landscape Officers advise that there would be no adverse landscape or visual effects, and that the proposal would in fact have a beneficial effect on landscape character.
89. Subject to recommended conditions as described above, the proposal would enhance the appearance of the site and the amenity of the wider landscape. The proposal would therefore not conflict with Policies G1b and E1 of the Sedgefield Neighbourhood Plan, with Policies 10, 29 and 39 of the County Durham Plan, and Part 15 of the NPPF.

Amenity of neighbouring land uses

90. 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.
91. 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.
92. The site is surrounded by agricultural fields, with a Motocross track located to the east. The nearest residential properties are Low Hardwick Farm approximately 500m to the east, and another property approximately 700m to the southeast. Dust, noise and lighting control measures are set out in the submitted Construction Management Plan and this document would be secured by condition. Such measures include erecting temporary fencing, careful spoil laying and using wheel wash facilities to mitigate dust; and ensuring plant and machinery are in good condition to avoid unnecessary noise emissions.
93. Given the nature of the development and short duration of the proposed works, it is considered that the proposal would not have an adverse impact on the amenity or use of the neighbouring land uses, and would not have an unacceptable adverse impact on the amenity of occupiers of the nearest dwellings. The proposal would therefore not conflict with Policies 10 and 31 of the County Durham Plan and Part 15 of the NPPF.

Access and Traffic

94. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. Policy 21 also outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity.
95. During the construction and subsequent planting period, the site would use a temporary vehicular access via a farm to the southeast, onto Sandy Bank located to the north of the A689.
96. Highways officers have considered the proposal and advise that it raises no concerns over road safety and no conditions are recommended. The development would not lead to a highway safety impact and would not conflict with Policies 10 and 21 of the County Durham Plan and Part 9 of the NPPF.

Recreational Amenity

97. 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.
98. The Access and Rights of Way officer has been consulted and notes that the application submits that Footpath No.12 (Sedgefield Parish), Bridleway No.3 (Sedgefield Parish) and Bridleway No.9 (Bishop Middleham Parish) would remain open during the works. They also note that the application submits that there would be no surface water flood risk toward these rights of way as a result of the works.
99. The Access and Rights of Way officer also notes that the construction access route would follow part of the Bridleway No.1 (Bradbury & The Isle Parish), and requested further details be secured by conditions which set out whether a banksman would be on site to guide users of the right of way when vehicles are moving nearby. These details have subsequently been submitted under an amended Construction Method Plan.
100. The proposed development would not deteriorate nor lead to a loss of the identified Public Rights of Way. The proposals would not conflict with CDP Policies 10 and 26 of the County Durham Plan and Part 8 of the NPPF. A standard informative protecting rights of way throughout the proposed works is recommended. The amended Construction Method Plan would also be an approved document and would ensure that any conflict between construction vehicles and the public on Bridleway No.1 would be adequately managed.

Ecology

101. 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.
102. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
103. There are a number of Local Wildlife Sites in close proximity to the site, as follows:
 - Island Farm Railway, which runs through the northern part of the site;
 - Carr Wood New Lake Tank Stelle, along the north eastern boundary of the site;
 - A1 Flashes, immediately west of the site;
 - Bishop Middleham Deer Park, approximately 400m north of the site;
 - Hardwick Hall, approximately 1km east of the site.
104. A Preliminary Ecological Appraisal has been submitted with the application, which concludes that there would be potential impacts on breeding birds, barn owl and otter, and recommends suitable mitigation measures. Measures are also recommended in respect of invasive/non-native species plants. In addition, a Water Vole and an Otter Survey have been submitted which conclude that Water Voles are unlikely to be impacted by the works, whilst mitigation measures are recommended in respect of otter.
105. The proposal seeks to create new wetland habitat in close proximity to the River Skerne. The application is supported by a Biodiversity Net Gain Metric Report which submits that the proposal would deliver a greater than 300% biodiversity net gain.
106. Ecology officers have no objection subject to the mitigation measures set out in the submitted Preliminary Ecological Appraisal being followed during the works. No concerns are raised in respect of impacts upon the Local Wildlife Sites.
107. In updated comments, the Ecology officers have recommended a planning condition to secure a Biodiversity Management Plan for the newly created open water and ditch habitats, as it is deemed necessary to ensure that the features created on site deliver the expected biodiversity enhancement over a 30 year period. Officers recommend

that in this particular instance, due to the scale and nature of the works, the plan is required to be submitted within six months of commencement.

108. Natural England has no objection advising that it considers that the proposed development would not have significant adverse impacts on designated sites.
109. The Environment Agency initially raised queries regarding insufficient survey work regarding water vole and otters, which are protected species. A Water Vole and an Otter Survey were subsequently submitted. Having considered the additional information the Environment Agency consider advise that it has no objection subject to a condition securing the submission and written approval of a Construction Environmental Management Plan, prior to works commencing. Informatives relating to updating the Construction Environmental Management Plan and relating to the Environment Agency's permits are also recommended in the interest of conserving protected species.
110. The Environment Agency has highlighted the consideration of Great Crested Newts when assessing and determining this application. The Council's Ecology officer has reviewed the relevant submitted details and advised that no further information is required, and subsequently have no objection.
111. The Council's Ecology officer considers that in light of the survey information submitted as part of the application, Ecology officers are comfortable that risks to Great Crested Newts are unlikely, and that no further work is required. The proposal would not interfere with the European Protected Species therefore a mitigation licence and derogation tests are not required for the proposed works.
112. The site is also within the Nutrient Neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area/Ramsar. However, officers are mindful that the proposal would not lead to additional burden on the foul drainage network in the area. No consultees have raised any concerns in this respect.
113. Subject to the aforementioned conditions it is considered that the construction phase would not have an adverse impact on protected species, whilst when complete the proposal would deliver significant biodiversity enhancement. The development would not conflict with Policies 10, 41, 42 and 43 of County Durham Plan and Part 15 of the NPPF.

Flooding and Drainage

114. 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.
115. 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.

116. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment
117. The majority of the site is in Flood Zone 2 as identified by the Environment Agency, with the western and northern parts of the site in Flood Zone 3b meaning they are effectively a functional floodplain. The proposal seeks to create wetland habitat adjacent to a watercourse. It is considered that proposals of this scale and nature meet the exception test to requiring a Sequential Test, by delivering notable biodiversity benefits whilst also not increasing flood risk.
118. A Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA considers potential risks in respect of fluvial, pluvial, tidal and ground water flooding, as well as flood risk from artificial water bodies. The assessment concludes that tidal flood risk is not applicable, whilst the development would not lead to an adverse impact in respect of the remaining four sources.
119. Drainage and Coastal Protection officers have no objection to the proposed works and no conditions are recommended. The Environment Agency has raised no concerns in respect of flood risk.
120. The proposed development would not lead to an increased surface water flood risk on adjacent land and would not conflict with Policies 10 and 35 of the County Durham Plan and Part 14 of the NPPF.

Heritage

121. 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.
122. 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.

123. 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.
124. Policy E4 of the Sedgefield Neighbourhood Plan states that proposals which affect designated and non-designated heritage assets will be considered in relation to the National Planning Policy Framework, which seeks to protect them subject to certain criteria.
125. The nearest designated heritage assets are as follows:
- Bishop Middleham Conservation Area, approximately 800m to the north;
 - Middleham Castle Scheduled Monument, approximately 850m to the north;
 - Grade II* Church of St. Michael and All Angels, and various outbuildings and ancillary structures, approximately 1km to the north;
 - Grade II* Hardwick Park, approximately 700m to the east;
 - Hardwick Park Conservation Area, approximately 900m to the east;
 - Grade II Hardwick Hall and Hotel, approximately 1.3km to the east;
 - Grade II Sedgefield Railway Station road bridge, approximately 600m to the south.
126. Views between these assets and the application site are screened by trees and hedgerows. The Design and Conservation officer has been consulted and has no concerns. No conditions are recommended.
127. A Written Scheme of Investigation for Archaeological Monitoring (WSI) has been submitted with the application. The Council's Archaeology officers consider that the WSI is appropriate and can be approved. No conditions are recommended.
128. It is considered that the proposal would cause no harm to heritage assets or archaeological remains in accordance with CDP Policy 44 and Part 16 of the NPPF and the Listed Building Act.

Contamination and Coal Mining Risk

129. 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.
130. The site lies within a Coalfield Development Low Risk Area. A Coal Mining Risk Assessment is therefore not required. Should planning permission be granted then the Coal Authority's Standing Advice would be included within the decision notice as an informative note to the applicant in the interests of public health and safety.
131. Environmental Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objection, only recommending an informative advising the applicant on if unforeseen contamination is encountered. No contamination report has been required to be submitted as part of the application.

132. The proposal would not likely lead to a contamination risk, or lead to a risk of land instability. The proposal would not conflict with CDP Policy 32 of the CDP and with Part 15 of the NPPF in this respect.

Safeguarding Mineral Resources

133. The site lies within a Mineral Safeguarding Area (MSA) for river sand and gravel. CDP Policy 56 advises that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless certain criteria apply. One such criteria, Criteria c), includes non-minerals development of a temporary nature that does not inhibit extraction within the timescale the mineral is likely to be needed.
134. Given the scope and nature of the works a Mineral Assessment has not been submitted as part of this application. It is considered that the scope and nature of the works would not sterilise the below ground mineral resource at this site, in accordance with criteria c) of Policy 56 of the CDP. It is therefore considered that the proposed development would not conflict with CDP Policy 56 and Part 17 of the NPPF.

Public Sector Equality Duty

135. 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.
136. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONCLUSION

137. 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.
138. The proposal seeks to create wetland habitat which would deliver significant Biodiversity Net Gain, and would enhance the visual amenity of the site within the wider landscape.
139. The development has been assessed against relevant development plan policies and material considerations and, subject to conditions where appropriate, the impacts are considered to be acceptable.
140. The proposed development has generated no public interest.
141. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan, Sedgefield Neighbourhood Plan and relevant sections of the NPPF.

RECOMMENDATION

142. That the application be **Approved** subject to the following conditions:

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

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

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

Plan	Drawing No.	Date Received
Site Location Plan	01-01	02/08/23
Scrape Detail - Phase 1	DR-C-402 Rev P2	02/08/23
Site Plan and General Arrangement - Phase 1	DR-C-401 Rev P3	02/08/23
Bishops Fen Construction Management Plan, by Lichfields dated 08.09.2023	N/A	08/09/23
Preliminary Ecological Appraisal (Update), by Durham Dales Ecology dated 4 th October 2022	BishopsFen_UPEA_v1.1	02/08/23
Otter and Water vole Survey Report: Presence/Absence Survey, by Kevin O'Hara Ecology dated June 2020	N/A	04/10/23
Materials and Workmanship Specification: Bishop's Fen Revision P2, by ARUP dated 22 nd June 2022	274134-ARP-SK-1-BF-SP-C-001	02/08/23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with, Policies 10, 21, 26, 29, 31, 32, 35, 39, 40, 41, 42, 43, 44 and 56 of the County Durham Plan, Policies Gb1 and E1 of the Sedgfield Neighbourhood Plan, and Parts 9, 12, 14 and 15 of the National Planning Policy Framework.

3. No development shall take place until the Construction Management Plan / Construction Environmental Plan (CEMP) has been updated and submitted to the Local Planning Authority for consideration in consultation with the Environment Agency and written approval. The updated CEMP shall include:
 - a. Biodiversity Plan which shall detail biosecurity and invasive non-native species (INNS) management best practice, utilising check-clean-dry procedures across the site for plant, materials and personnel. The plan shall also identify specific actions and mitigation measures for known INNS on or close to the site (Parrot Feather).
 - b. Vegetation Clearance Plan.
 - c. Species Protection Plans relating to Otter (*Lutra lutra*) and Water Vole (*Arvicola amphibius*).

The approved CEMP shall be adhered to thereafter; a copy of the CEMP shall be kept on site during works for contractors to refer to.

Reason: To prevent the spread of invasive non-native species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), in accordance with Policies 41 and 43 of the County Durham Plan and Paragraph 109 of the National Planning Policy Framework.

4. The hereby approved temporary access bridge and site compound, as identified on the hereby approved Site Plan, shall be removed from the site as soon as reasonably practicable following the completion of the works. The land on which they would be located shall then be made good.

Reason: In the interests of the appearance of the site and the amenity of the wider landscape, in accordance with, with Policies 10, 29 and 39 of the County Durham Plan, Policies G1b and E1 of the Sedgfield Neighbourhood Plan, and with the National Planning Policy Framework

5. Within six months of commencement of the development a Biodiversity Management and Monitoring Plan (BMMP) for the open water and ditch habitats, covering a 30 year period from the date the habitats were created, shall be submitted to the Local Planning Authority for approval in writing. Monitoring reports should be provided to the Local Planning Authority. The BMMP should include any proposed ecological enhancements and planting management.

Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework

6. The development shall be carried out in accordance with the Avoidance and Mitigation, Compensation and Enhancement measures set out in Section 6 of the hereby approved 'Preliminary Ecological Appraisal (Update) Reference BishopsFen_UPEA_v1.1' dated 4th October 2022 by Durham Dales Ecology.

Reason: In the interest of biodiversity in accordance with Policies 10, 26 and 43 of the County Durham Plan and the National Planning Policy Framework.

7. The hereby approved planting regime, as detailed under Section 4.1 of the hereby approved 'Materials and Workmanship Specification' document, shall be implemented within six months of completion of the hereby approved excavation works.

Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 10, 29, 39, 40 and 41 and Parts 12 and 15 of the National Planning Policy Framework.

8. Working hours would take place 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays, with no works on Sundays and Bank Holidays

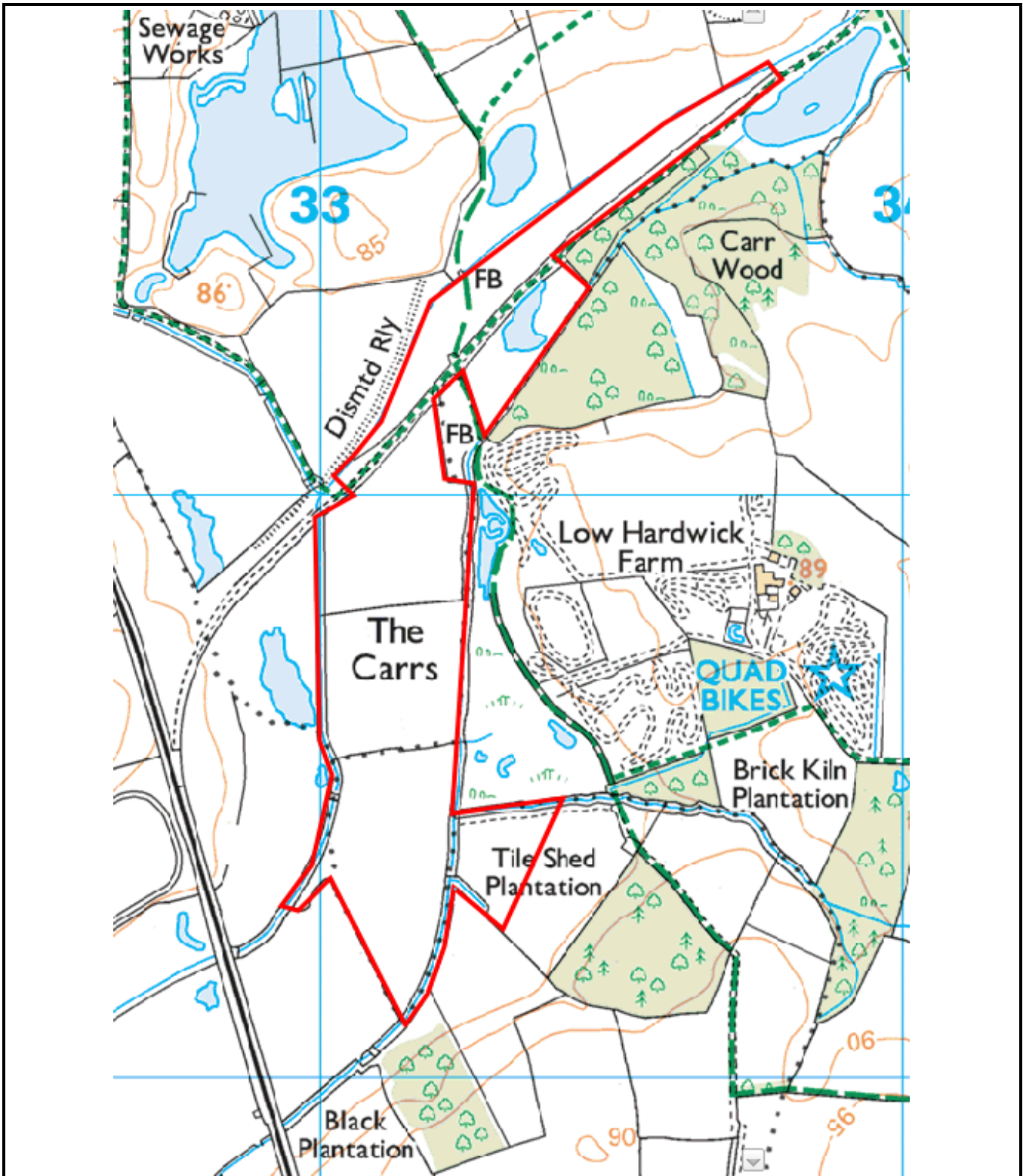
Reason: In the interest of the amenity of occupiers of neighbouring dwellings, in accordance with Policy 31 of the County Durham Plan and the National Planning Policy Framework and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Whilst agreement has not been reached on the principle of development discussions have enabled agreement on a number of topics to allow for focus on the outstanding issues.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Sedgefield Neighbourhood Plan (2019)



Planning Services

DM/23/02330/FPA

Conversion of agricultural land to wetland habitats with associated engineering works and creation of temporary access bridge, Land West Of Low Hardwick Farm, Sedgefield TS21 2EH

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Date November 2023

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