

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/02008/FPA
Full Application Description:	Engineering and associated works to form enclosed area in association with storage use
Name of Applicant:	Wyngrove Limited
Site Address:	Land North Of Emerald Biogas, Preston Road, Aycliffe Business Park, Newton Aycliffe DL5 6AB
Electoral Division:	Aycliffe East
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 a vacant area of scrubland measuring 3.9 hectares (ha) in area. The site is bound to the west by a tall, dense belt of trees, with Preston Road beyond and the Stockton and Darlington Railway further beyond. The site is bound to the north by Hurworth Road, with a number of office, storage and industrial units beyond. To the east is an earth embankment approximately 2m high, upon which is a tall, dense belt of trees, beyond which is Whinbank Road with a number of storage and industrial units beyond. To the south of the site is the Emerald Biogas site. The site is located within Aycliffe Business Park North.
2. The site previously formed part of the application site for a development which is now known as Emerald Biogas. Planning permission was granted for two phases of development; an Anaerobic Digestion Plant and associated buildings and works at Phase 1, and industrial buildings and associated works at Phase 2. Phase 2 was located at the northern end of that site. The site history and the relevance in the assessment of this application is explained in greater detail in the Planning History section of this report.
3. The current application site forms the northern end of that site, which was known as Phase 2. Because Phase 1 has been constructed, the outline and reserved matters consent for the development of Phase 2 remains extant. The approved plans for Phase 2 shown the use of green roofs to the industrial units, with two potential pond/swap

features alongside the eastern boundary and a hedgerow separating Phase 1 and Phase 2.

4. The site is shown as a designated Local Wildlife Site in the County Durham Plan, known as The Snipe.
5. The application site's access is 30m east of the Stockton and Darlington Railway, with the main area of development located 50m west of the railway, beyond a tall, dense belt of trees. The railway is a non-designated heritage asset and is identified in the County Durham Plan.
6. Aycliffe Village Conservation Area is located 1.3km to the southeast, beyond a number of large industrial and storage buildings and the tree planted embankment located to the east of the site. The nearest listed building or structure is the Grade II listed Aycliffe Wood occupation bridge, 220m to the southwest beyond a tall, dense belt of trees. The Grade II listed School Aycliffe Lane overbridge is located 400m to the northwest of the site and is also located beyond a tall, dense belt of trees. Both of the C19 stone bridges cross the Stockton and Darlington Railway.
7. The nearest residential properties are along Watson Road, 650m to the north of the site, beyond a number of large industrial and storage buildings and the tall, dense tree belt located to the south of that street.
8. The site is not within either the Lower Risk or Higher Risk Coal Advice Areas and is not within a Mining and Groundwater Constraint Area, as identified by the Coal Authority. The site is partially overlain in its north western corner by a Minerals Safeguarding Area as identified in the County Durham Plan.
9. The site lies within a consultation zone for the Health and Safety Executive's (HSE) Major Hazard Sites Consult Zones, relating to the Ineos Chlorvinyls Ltd site approximately 150m west of this site. The site is used to fabricate plastics.
10. The site is within Flood Zone 1 as identified by the Environment Agency, which is the area at lowest risk of fluvial (river) flooding. The southwestern corner of the site is adjacent to areas of Low Risk Surface Water Flooding, with a 0.1% chance of flooding occurring each year.
11. The site is within the Nutrient Neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area/Ramsar.

The Proposal

12. The proposal seeks to create an area of outdoor storage (Use Class B8) across the site, split into five separate plots. The western most plot is indicated to store containers, whilst the adjacent plot is indicated to store plant and equipment. Plots 3, 4 and 5 further east are indicated as expansion areas. The site would be bound by a 2.3m high perimeter fence. All five plots would be served by the existing vehicular access onto Preston Road to the southwest which serves the adjacent Emerald Biogas site which is not operated by the applicant. The applicant intends to lease out the proposed outdoor storage areas to commercial uses. The covering letter submitted in support of the application indicates containers, plant and construction materials could be stored at the site.
13. The site would be enclosed by a 2.2m high mesh fencing coloured green, and the access would feature a 2.3m high mesh swing gate coloured green.

14. The application states that no jobs would be created by the proposal.
15. The works would involve scraping of the ground across the site, creating a volume of earth which would be stored within the site as earth bunds, located along the southern and eastern site boundaries. The bunds at the eastern end of the site would measure up to 3m in height. The application has not clarified the height of the southern bund. The eastern bunds within the site would lead to the loss of some trees within the site.
16. This application is being reported to the County Planning Committee because it involves major non-residential development on a site of more than 2 hectares.
17. Officers had previously brought this application to the County Planning Committee in October 2025 recommended for refusal, due to outstanding concerns regarding impact on priority species, drainage, and sufficient tree replacement. The application had at the time been pending for more than a year following the initial objection from the Ecology officer, and the application does not benefit from pre-application advice.
18. Following consideration of the application during the October meeting, Members decided to defer determination to enable the applicant to work with officers to resolve the outstanding concerns. Officers have subsequently met with the applicant's representatives to agree mitigation measures for the identified concerns. An updated Dingy Skipper Mitigation Statement and updated drawings were received 3rd December 2024. Following due consideration by Officers it is considered that the submitted details are acceptable having addressed previous concerns, and application is therefore being brought to the County Planning Committee for consideration.

PLANNING HISTORY

19. Hybrid Planning Permission No. CMA/7/74 was granted in 2010 for the following:
 - Full planning permission for an Anaerobic Digestion Plant, Research/Visitor centre, Glasshouses and new vehicular access as part of Phase 1, to the southern end of that site; and
 - Outline permission for industrial floorspace, associated parking and a separate vehicular access as part of Phase 2, at the northern end of that site. The matters of appearance, landscaping, layout and scale of the development of Phase 2 were reserved.
20. The current application relates to land within Phase 2 of the above works. Phase 1 is located to the south of the current application site.
21. The layout of the development of Phase 1 was subsequently amended under Planning Permission No. DM/19/00242/VOCMW in June 2019, following the start of construction. Phase 1 has since been constructed in accordance with those amended plans and is now in use. The vehicular access onto Preston Road to the west has been constructed.
22. Reserved Matters consent (CMA/7/105) was granted in 2013 for the appearance, landscaping, layout and scale of the industrial units within Phase 2 of the development, which were to be located in the current application site.
23. Planning Permission No. 7/2010/0164/DM was granted in 2010 for a 2.4m high perimeter fence around the current application site and the adjacent land to the south.

PLANNING POLICY

National Policy

24. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal.
25. *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.
26. *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.
27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.

33. *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.
34. *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.
35. *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:

36. 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; use of planning obligations; transport assessments and statements; minerals; and water quality.

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

Local Plan Policy:

County Durham Plan (October 2020)

37. *Policy 1 – Quantity of New Development.* States that 300 hectares of strategic and general employment land for office, industrial and warehousing purposes are proposed in order to meet the needs and aspirations of present and future residents of the County, and to deliver a thriving economy.
38. *Policy 2 – Employment Land.* Establishes allocated land for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses.

39. *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.
40. *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.
41. *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 area's 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).
42. *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.
43. *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.
44. *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.
45. *Policy 36 – Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

46. *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.
47. *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.
48. *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.
49. *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.
50. *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.

51. *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.
52. *Policy 46 – Stockton and Darlington Railway.* States 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.
53. *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.

Supplementary Planning Documents

54. The following Supplementary Planning Documents (SPDs) form part of the development plan in County Durham:
55. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
56. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
57. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

Neighbourhood Plan:

Great Aycliffe Neighbourhood Plan (July 2017)

58. *Policy GANP CH1 – Landscape Character and Townscape.* States that all developments must respect the landscape character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment (December 2015), and incorporate features which contribute to the conservation, enhancement or restoration of local features.
59. *Policy GANP CH4 – Protecting Heritage Assets.* States that Proposals affecting Listed Buildings, Scheduled Monuments or the Conservation Area of Aycliffe Village and their settings must preserve and, wherever possible, seek to enhance their significance. New developments should seek to avoid any significant adverse impacts on Heritage Assets and the Conservation Area of Aycliffe Village whether by nature of their height, scale or bulk, position, or by poor design, or by affecting the settings in a way that would compromise these assets.
60. *Policy GANP E3 – Conservation Area of Aycliffe Village.* States that any development in, or affecting the setting of, the Conservation Area of Aycliffe Village must demonstrate how the proposal preserves and enhances the significance of the conservation area in a heritage statement accompanying any planning applications.
61. *Policy GANP E4 – Existing Tree Retention and Removal.* 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 need for, and benefits of, the proposal clearly outweigh the loss. New development proposals will be expected to have regard to the local distinctive landscape character of Great Aycliffe and in particular to retain tree lined avenues where they exist. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Where the removal of a tree(s) is proposed and essential to the delivery of the site, the developer is required to replace at least two of similar amenity value on site. Where a group of trees are removed a similar number must be replaced in a nearby suitable location. Any trees proposed for removal should be detailed, including the reason for removal, through the submission of a Design and Access Statement. Planting that contributes to the biodiversity of the area and supports green corridors is particularly encouraged. Proposals should be accompanied by an indicative planting scheme to demonstrate an adequate level of sustainable planting can be achieved and maintained in the future.
62. *Policy GANP E5 – Protection of existing trees within new development.* States that proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential. Residential or commercial development proposals where trees are present should be accompanied by a tree survey and tree protection plan and where necessary an arboricultural impact assessment. These should clearly identify the trees, and root protection areas, and state how the health of the trees on the site will be protected during demolition and construction, including that of installing utilities, drainage and landscaping and in the long-term after construction. All proposals under this policy must meet British Standards 5837:2012 'Trees in relation to design, demolition and construction'.
63. *Policy GANP R3 – Supporting Local Job Opportunities.* States that in order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents.

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 Great Aycliffe Neighbourhood Plan)

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

64. *Great Aycliffe Town Council* – advises that it has no comment/objection to the planning application.
65. *Highway Authority* – raise no objection following receipt of further information, conditions recommended to secure details of the construction method.
66. Whilst a condition was initially recommended to secure details of the car parking arrangement within the site, the Highways officer has since advised that, due to the scale and nature of the development and an existing nearby car parking area, such a condition is no longer necessary.
67. *Drainage Coastal Protection (Lead Local Flood Authority)* – raise no objection. Officers previously advised that the information received in February 2024 addressed some previous concerns and that the submitted hydraulic calculations are acceptable.
68. Updated comments have been received following receipt of an updated external works and drainage layout drawing, which reflects the reduction in hard standing within the site following changes to the on-site ecological mitigation. The Drainage Officer has not raised concerns with the amended drawing.
69. *Health and Safety Executive* – The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Internal Consultee Responses:

70. *Spatial Policy* – has raised no objection and highlight relevant development plan policies. They note that the site is allocated employment land and is no longer a designated Local Wildlife Site. Notwithstanding that the views of Ecology Officers are still a key consideration in respect of other biodiversity matters. They also note the nearby Stockton and Darlington Railway, which is a non-designated heritage, as well as the distant designated heritage assets.
71. *Ecology* – Has provided updated comments in relation to the loss of habitats on site, and on the impact on Dingy Skipper which is a priority species. Updated information had been received from the applicant in December 2024 seeking to address the Ecology Officer's previous concerns in respect of a lack of detail into how impacts upon the identified on-site priority species during the works would be sufficiently mitigated.
72. The Ecology Officer advises that, overall, the principles of the proposed Dingy Skipper mitigation are sound, however there are a few details that need expanding upon. Notably there is a need for oversight from an ecological consultant during the construction of the bund to ensure the habitat created is suitable, and details of proposed seeding and plug planting would be required. A description of the target habitat would also be needed to be able to monitor the site and provide management recommendations.

73. The submitted Dingy Skipper Mitigation Statement received December 2024 states that interventions would occur over a five-year period, however the Ecology Officer advises that management interventions will be required beyond this timescale to ensure that the habitat remains optimal for dingy skipper in the long term. They note that a Habitat Management and Monitoring Plan would be required, and this should encompass the habitat creation proposals within the provided document alongside the additional details and should span 30 years.
74. The Ecology Officer advises the above issues could be addressed by securing further details by recommended conditions, and securing a Habitat Management and Monitoring Plan with long term management of the site through a legal agreement.
75. *Landscape* – Advise that the proposed development will result in the loss of a woodland belt that currently screens the site on the Western boundary. As well as the screening function the woodland belt also functions as structural landscape within the Business Park. With regard to landscape and visual impacts of the proposed development, Officers advise that the boundary woodland should be retained.
76. *Trees* – raise no objection but Officers note the proposed loss of trees along the western and eastern edges of the proposed site. The Trees Officer has advised that planting of any large species atop a bund would not be supported due to the bund being made up of made ground, with larger trees potentially affecting the stability of the bund. Replacement planting in this area would therefore need to be small species such as Hawthorn, Cherry or Blackthorn trees, or similar.
77. *Design and Conservation* – raise no objection. Officers advise that the submitted heritage impact assessment identifies the proximity of the application site to the historic route of the S&DR and the implications of Policy 46 of the County Durham Plan in this regard. It identifies that significance lies on the retention and use of the historic route rather than setting in this particular location, it also concludes that the height and density and intervening vegetation mitigates any impact. Officers advise that the conclusions of the assessment that no harm would occur to the non-designated asset is considered acceptable and on this basis no objection is raised in relation to impact on the S&DR.
78. *Archaeology* – advise that there is no archaeological objection and no conditions are recommended.
79. *Environmental Health and Consumer Protection (Air Quality)* –note that the development could lead to dust emissions during the construction phase and during the storage of materials given the outdoor storage nature of the proposal, however given that the neighbouring commercial and industrial land uses are of low sensitivity to dust emissions this is not a fundamental issue. The proposed use of the site and limited local sensitivity means that road traffic emissions are unlikely to be an issue. Therefore, no objection has been raised following receipt of further information and no conditions are recommended.
80. *Environmental Health and Consumer Protection (Contaminated Land)* – raise no objection. Conditions are recommended in relation to contaminated land mitigation measures.
81. *Environmental Health and Consumer Protection (Nuisance)* – raise no objection and note that the proposed site is surround by other industrial units which are of low sensitivity to odour and dust emissions, however all statutory nuisance matters, which include odour and dust, can create impacts if not properly controlled. A condition is

recommended to secure a plan prior to any potentially odorous and/or dust generating material being stored on site, and a further condition is recommended ensuring daytime and early evening working hours.

Public Responses:

82. The application has been advertised in the local press (the Northern Echo) and by site notice. Neighbouring letters have been sent to 98 neighbouring premises. No representations have been received.

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:

83. This note has been prepared on behalf of Wyngrove Ltd ("the Applicant") to be incorporated into the Officer's report to Planning Committee (5th February meeting).
84. The application was previously referred to Planning Committee on the 2nd October 2024. A decision was taken by Committee members at that meeting to defer the determination of the application. This was to allow further discussions between the Applicant and Officers, in respect of ecology and habitat, mainly in respect of mitigation at the site for Dingy Skipper butterfly, a priority species.
85. Following subsequent discussions between the applicant's ecologist, INCA, and the Council's ecology officers, the Applicant amended the scheme further to reduce the extent of the proposed development, and in so doing, to retain a larger area of vegetation for the purposes of supporting Dingy Skipper butterfly.
86. The applicant is committed to managing the protection of habitat on site during the construction phase and thereafter. The details of this approach to habitat management will be agreed with the Council through the discharge of planning conditions. Such a management regime does not currently exist on the site.
87. In 2019, the Council set out its intentions to deallocate the site's former designation as a Local Wildlife Site. As a result of planning permissions being granted for industrial development in the area, much of the qualities associated to the wildlife site were lost, including as a result of the Emerald Biogas development to the south. The application site was the subject of a legal agreement at that time which resulted in a payment of £90,000 to the Council for compensatory improvements to habitat elsewhere.
88. The planning history of the site, including the compensatory payment, coupled with the proposed retainment and management of onsite habitat, creates an overall betterment to habitat and biodiversity value when taken as a whole.
89. The proposed storage facility would benefit existing local businesses in and around Aycliffe, by providing convenient access to additional storage space to meet their current and future storage demands and the expansion of their operations. It also potentially will help draw new businesses to Aycliffe by providing them with an option to meet their storage requirements off-site though in the local area.

PLANNING CONSIDERATIONS AND ASSESSMENT

90. 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, design and visual impact, heritage, amenity of neighbouring land uses, access and traffic, ecology, trees, flooding and drainage, contaminated land, minerals safeguarding, and public sector equality duty.

The Principle of the Development

91. 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 Great Aycliffe Neighbourhood Plan (GANP) 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 GANP was adopted in July 2017 and covers the period 2018 to 2033.
92. 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.
93. In light of the recent adoption of the CDP and the GANP 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.
94. The application is for the creation of an open storage area (Use Class B8) on an area of scrubland. The site is specifically allocated for employment land use under Policy 2 of the County Durham Plan, and also falls within the wider Aycliffe Business Park

(North) allocation for employment land. The allocation contributes to providing for the County's employment land needs as set out in Policy 1 of the CDP. CDP Policy 2 states "undeveloped land and plots at the following employment sites and at proposed extensions to these existing employment sites, as shown on the policies map, are allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated". As a B8 use the proposal would fall within the range of Use Classes for which the site was allocated. Therefore, the proposal would not conflict with CDP Policy 2.

95. The application states that no jobs would be created, though the application submits that the proposed storage use would support existing nearby businesses. GANP Policy R3 states that "In order to develop and sustain the economy of Great Aycliffe, support will be given to the development of employment activities, in suitable and appropriate locations, that diversify the current offer in Great Aycliffe and particularly those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the Great Aycliffe residents." The proposal would not lead to direct job creation, which is considered a missed opportunity on allocated employment land, however Officers acknowledge that the proposed storage use would support existing nearby businesses, thereby supporting existing jobs at those businesses. Whilst the proposal does not lead to direct job creation, it would not lead to conflict with Policy GANP G3.
96. The overall acceptability of the development is also dependant on a number of other matters as discussed below.

Design and Visual Impact

97. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
98. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

99. 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).
100. GANP Policy CH1 states that all developments must respect the landscape character of the parish and its settlements, as defined within the Great Aycliffe Heritage and Character Assessment (December 2015), and incorporate features which contribute to the conservation, enhancement or restoration of local features.
101. The proposal seeks to create an area of hardstanding to form an open storage area. The previous plans from February 2024 show the site would be bound to the north and east by bunds, however the 'Proposed New Landscaping Areas (Revision P01)' drawing received July 2024 does not include the bund along the northern site boundary. The site is surrounded to the west and east by tall, dense tree belts, to the north by industrial and office units, and to the south by a large industrial site. The proposed development would not be visually prominent within the surrounding area – the bunds would be visible from the highway to the north however they would not have an adverse impact on the character of the area.
102. It is noted that permission is sought for storage uses, and that the northern earth bund would be 2.2m in height. In the interest of the amenity of the surrounding area a condition is deemed necessary which would limit the height of any temporary building, structures, materials and items stored to a maximum height of 3m.
103. The location of the proposed 2.3m high perimeter fencing and access gate have been indicated on the received site plans and are considered acceptable. The received Proposed Site Entrance Works drawing describes green mesh fencing, the appearance of which would be acceptable.
104. Indicative details of the proposed location of lighting have been received. Precise details of the height, angle, direction and luminosity of the lighting are required in the interest of the visual amenity of the surrounding area, though can be secured by a condition securing their assessment and approval prior to being erected.
105. The Landscape Officer has been consulted and they advise that the proposed development will result in the loss of a woodland belt that currently screens the site on the western boundary, which screens the site from views to the west whilst also forming part of a network of structural landscape within the Business Park. However, Officers note that the received plans show the belt would be retained, therefore views of the site from the west would be visually screened. Provided that further details of the proposed lighting are secured by condition, the proposal would not lead to an adverse impact on the amenity of the wider landscape or the wider area, in accordance with Policy 39 of the CDP.
106. The Design and Conservation Officer's comments are discussed later in this report.
107. Subject to recommended conditions as described above, the proposal would not have an adverse impact on the amenity of the site or the surrounding area. The proposal would therefore accord with GANP Policy CH1, with CDP Policy 29, and with Part 15 of the NPPF.

Heritage

108. 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. The same legislation 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 any such harm must be given considerable importance and weight by the decision-maker.
109. Paragraph 213 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. Paragraph 216 of the NPPF states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
110. 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.
111. GANP Policy CH4 states that proposals affecting Listed Buildings, Scheduled Monuments or the Conservation Area of Aycliffe Village and their settings must preserve and, wherever possible, seek to enhance their significance. New developments should seek to avoid any significant adverse impacts on Heritage Assets and the Conservation Area of Aycliffe Village whether by nature of their height, scale or bulk, position, or by poor design, or by affecting the settings in a way that would compromise these assets. Policy GANP E3 states that any development in, or affecting the setting of, the Conservation Area of Aycliffe Village must demonstrate how the proposal preserves and enhances the significance of the conservation area in a heritage statement accompanying any planning applications.
112. The application site’s access is 30m east of the Stockton and Darlington Railway, with the main area of development located 50m east of the railway, beyond a tall, dense belt of trees. The railway is a non-designated heritage asset and is identified in the County Durham Plan.
113. Aycliffe Village Conservation Area is located 1.3km to the southeast, beyond a number of large industrial and storage buildings and the tree planted embankment located to the east of the site. The nearest listed building or structure is the Grade II listed Aycliffe Wood occupation bridge, 220m to the southwest beyond a tall, dense belt of trees. The Grade II listed School Aycliffe Lane overbridge is located 400m to the northwest of the site and is also located beyond a tall, dense belt of trees. Both of the C19 stone bridges cross the Stockton and Darlington Railway.
114. Design and Conservation Officers agree with the conclusions of the submitted Heritage Statement in that the scale and appearance of the proposal, along with the retained tree belt to the west of the site, would not lead to harm to the setting of the Stockton and Darlington Railway. Officers also consider there would be no harm to the setting of the Aycliffe Conservation Area, or to the setting of the 19th Century stone bridges which span the railway.

115. Archaeology Officers have been consulted and advise they have no concerns with the proposal, and no conditions are recommended.
116. It is considered that the proposal would not cause harm to the identified designated and non-designated heritage assets, or to archaeological remains, in accordance with Policies 44 and 46 of the County Durham Plan, with GANP Policies CH4 and E3, with Paragraphs 206 and 209 the NPPF, and with Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Amenity of neighbouring land uses

117. Paragraph 187 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 198 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 199 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 220 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).
118. 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.
119. The site is surrounded by industrial units with their associated office space, due to its location within the Aycliffe Business Park.
120. Environmental Health and Consumer Protection (Air Quality and Nuisance) Officers have been consulted and have no objections subject to a condition which seeks to secure a plan prior to any potentially odorous and/or dust generating material being stored on site; and a further condition is recommended ensuring daytime and early evening working hours.
121. It is considered that this allocated employment land within a well-established business park is an acceptable location for an area of open air storage of this scale. Whilst precise numbers of vehicle movements cannot be clarified, it is anticipated that vehicle trips during both the construction and operation phases would not be notable. It is also noted that a storage use is not likely to lead to noise or nuisance concerns, though is dependent on the material being stored. The recommended condition would ensure

controls over the storage of potentially odorous or dusty materials to mitigate the potential impact.

122. Indicative details of the proposed location of lighting have been received. Precise details of the height, angle, direction and luminosity of the lighting are required in the interest of the amenity of neighbouring land uses, though can be secured by a condition securing their assessment and approval prior to being erected.
123. Subject to conditions it is considered that the proposal would not have an adverse impact on the amenity or use of the neighbouring land uses. The proposal would therefore not conflict with CDP Policy 31 and Part 15 of the NPPF.

Access and Traffic

124. Paragraph 115 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 116 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.
125. The proposal seeks to use an existing vehicular access to the southwest, onto Preston Road. This access would be shared with the adjacent existing operation at Emerald Biogas to the south. As stated above whilst precise numbers of vehicle movements cannot be clarified, it is anticipated that vehicle trips during both the construction and operation phases would not be notable.
126. The Highways Authority initially raised concerns due to a lack of clarity on whether the site is for the existing Emerald Biogas to the south, or whether the site would be sold or leased to third parties. Concerns were also raised with the potential for surface water run off and debris from the proposed bunds falling into the adopted highway. The applicant has since clarified that the site would be sold or leased to third parties whilst amended plans have been received showing amendments to the proposed bunds. Following receipt of this information the Highways Authority has advised that it has no objection subject to a condition securing details of the construction method.
127. Subject to conditions the development would not lead to a highway safety impact and would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Ecology

Protected and Priority Species

128. Paragraph 193 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.

129. The application site was previously a designated Local Wildlife Site, known as the Snipe.
130. The application refers to previous consents for industrial buildings on the current application site, outline consent reference CMA/7/74 and reserved matters consent CMA/7/105, as a 'fall back position' when considering the potential ecological impact of the currently proposed development. In effect the application is submitting that the ecological impact of developing this site has already been established, and subsequently mitigated for by a financial sum which was secured at the time through a legal agreement.
131. Whilst Officers note those consents are deemed extant, the previously approved development is materially different to the current proposal when considering the ecological impact of developing this site. The previously approved industrial buildings included green roofs of approximately 11,139 sq.m. in area, as stated on the approved plans, and green spaces of approximately 12,850 sq.m. in area, as stated on the approved plans. Officers also note that the approved green spaces included ponds/swamp features at the eastern end of the site, and new hedgerow planting along the southeastern boundary. The approved site plan also showed there would be existing trees and grassland retained at both the western and eastern edges of the site.
132. By comparison, the current proposal seeks to create a much larger area of hardstanding than the previous proposal, leading to a notably lesser amount of green space being proposed. No hedgerows or ponds/swamp features are proposed. The current proposal also seeks to create landscaped bund areas along the southern boundary and in the eastern part of the site, leading to the loss of existing trees, whereas the previously approved development did not propose this loss of trees. Another notable change is that whilst the previous proposal included buildings with green roofs within the built area of the site, the currently proposed hard standing would not benefit from green roofs. It is therefore clear that the two schemes are materially different in that the current proposal would lead to a far lesser amount of proposed habitat within the site.
133. Ecology Officers, when providing comments on the current application, advised that they accepted that the financial sum secured under the previous consent for this site addresses the currently proposed loss of the habitats on site. However, the issue of mitigating for priority species within the site remained unresolved. Therefore, the current application is required to provide sufficient mitigation measures for impacts on priority species.
134. The current application was received without pre-application advice from Officers. Initially, a Preliminary Ecological Appraisal (PEA) was submitted with the application. Following the first round of consultation with the Ecology officer, a Dingy Skipper survey was then submitted as requested by Ecology Officers following the findings of the PEA. The surveys note that the site comprises species rich grassland, and that Dingy skipper has been recorded on site; whilst an area of woodland to the southeast of the site, beyond the existing security fence, is of ecological value. Following reconsultation with Ecology Officers, they note that large expanses of the site are still likely to meet priority habitat status as per its historical designation as a Local Wildlife Site. Following the findings of the Dingy Skipper surveys, they also note at least a medium population of the species are still present on site (approximately 30 individuals noted during the surveys). Additional further information was therefore requested so that the application can clearly demonstrate that the impact of the proposed works on the identified priority species would be sufficiently mitigated.

135. The Ecology Officer highlights that Dingy Skippers are a priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Policies 41 and 43 of the CDP as set out earlier in this report are therefore applicable.
136. Following subsequent rounds of consultation, Ecology Officers requested further information in relation to mitigating for the impact on Dingy Skipper as a result of the proposed works. When this application was previously brought before Members at the October 2024 County Planning Committee, Officers were still seeking additional information and recommended refusal.
137. Following the Committee's decision to defer determination of the application to enable the applicant to work with Officers to resolve the outstanding concerns, Officers have subsequently met with the applicant's representatives to agree mitigation measures for the identified concerns. An updated Dingy Skipper Mitigation Statement and updated drawings were received in December 2024. The Statement seeks to provide the information which the Ecology Officer has been seeking, and the amended drawings show a reduction in hardstanding at the eastern edge of the site to provide a larger area of landscaping and habitat, as part of the proposed Dingy Skipper mitigation.
138. The Ecology Officer has considered this additional statement and updated drawings, and has advised that they are acceptable, provided that further details are secured by conditions. The submission and written approval of a Construction Environmental Management Plan would be required to demonstrate the works would be carried out in accordance with the details submitted in December 2024. A subsequent written confirmation that the proposed habitat creation has been completed to the required specification, and signed off by the ecological consultant, would also be required before the development is brought into use, to ensure the agreed mitigation measures have been implemented.
139. The Ecology Officer also recommends that a Habitat Management and Monitoring Plan (HMMP) be secured to ensure the proposed mitigation strategy is managed and monitored over a 30 period, to ensure its successful implementation. Officers recommend this be secured through a legal agreement.
140. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the minimum 30 year timescales involved and a Section 39 is more suited to ensuring long term management.
141. Subject to conditions and securing a HMMP through a legal agreement it is considered that there would not be an adverse impact on priority species. The proposal therefore does not conflict with Policy 41 of the CDP or with Part 15 of the NPPF in this respect.

Biodiversity Net Gain

142. From 12 February 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was received in 2023, prior to 10% Biodiversity Net Gain (BNG) becoming a statutory requirement. Therefore, the application is only required to demonstrate 'a' BNG in accordance with Policy 41 of the CDP.

143. Subject to the recommended conditions and securing the HMMP through a legal agreement as summarised above, it is considered that the proposal would deliver a Biodiversity Net Gain. The application therefore does not conflict with Policy 41 of the CDP or with Part 15 of the NPPF in this respect.

Habitat Regulations Assessment

144. CDP Policy 42 states that development that has the potential to have an effect on internationally designated site(s), 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. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England has identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
145. The site lies within the Nutrient Neutrality catchment area for the Teesmouth and Cleveland Coast Special Protection Area/Ramsar, however due to the nature of the proposed development and no wastewater would be created, the development would not lead to any impacts in this respect.
146. The proposal does not conflict with CDP Policy 42 with regard to the impact upon the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA).

Trees

147. CDP Policy 26 states that development will be expected to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives. In relation to new provision the Policy states that development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. Proposals should take opportunities to contribute to existing green infrastructure projects in the locality including those identified in the Infrastructure Delivery Plan. New Green Infrastructure will be required to be appropriate to its context and of robust and practical design, with provision for its long term management and maintenance secured. The council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the National Planning Policy Framework (NPPF).
148. CDP Policy 40 states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain

adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.

149. GANP Policy GANP E4 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 need for, and benefits of, the proposal clearly outweigh the loss. New development proposals will be expected to have regard to the local distinctive landscape character of Great Aycliffe and in particular to retain tree lined avenues where they exist. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Where the removal of a tree(s) is proposed and essential to the delivery of the site, the developer is required to replace at least two of similar amenity value on site. Where a group of trees are removed a similar number must be replaced in a nearby suitable location. Any trees proposed for removal should be detailed, including the reason for removal, through the submission of a Design and Access Statement. Planting that contributes to the biodiversity of the area and supports green corridors is particularly encouraged. Proposals should be accompanied by an indicative planting scheme to demonstrate an adequate level of sustainable planting can be achieved and maintained in the future.
150. GANP Policy E5 then states that proposals for new development will be expected to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential. Residential or commercial development proposals where trees are present should be accompanied by a tree survey and tree protection plan and where necessary an arboricultural impact assessment. These should clearly identify the trees, and root protection areas, and state how the health of the trees on the site will be protected during demolition and construction, including that of installing utilities, drainage and landscaping and in the long-term after construction. All proposals under this policy must meet British Standards 5837:2012 'Trees in relation to design, demolition and construction'.
151. The Trees Officer notes the proposed loss of trees along the western and eastern edges of the proposed site. The Trees officer has advised that planting of any large species would not be supported atop a bund due to the bunds being made up of made ground, with larger trees potentially affecting the stability of the bund. Replacement planting in this area would therefore need to be small species such as Hawthorn, Cherry or Blackthorn trees, or similar.
152. Amended plans were submitted in December 2024 which show replacement tree planting within an area in the northeast corner of the site. This area is currently grassed and features a slight gradient sloping from the west down to the east, with an adjacent tree belt to the east. It is considered that this area is sufficient in principle for the required tree planting to replace the trees which would be lost during the works, in accordance with the Neighbourhood Plan Policy GANP4 E4 requirement to replace trees on a 2:1 ratio. Precise details of the location and species of the tree planting can be secured by condition.
153. Subject to the further details being secured by condition the proposal would not conflict with CDP Policies 26 and 40, with Policy GANP E4 of the Neighbourhood Plan, or with Part 15 of the NPPF.

Flooding and Drainage

Surface Water Drainage

154. 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 180 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.
155. Paragraph 181 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.
156. 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.
157. The site is within Flood Zone 1 as identified by the Environment Agency, which is the area at lowest risk of fluvial (river) flooding. The southwestern corner of the site is adjacent to areas of Low Risk Surface Water Flooding, with a 0.1% chance of flooding occurring each year.
158. 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 the site has a low probability of flooding from all sources save for pluvial flooding. Surface water flows are proposed to enter the public drainage system, whilst no foul water flows are proposed.
159. Drainage Officers had initially requested the submission of a revised FRA and an External Works and Drainage Layout drawing, as the initial submission lacked sufficient information to enable Officers to fully consider the drainage implications of the proposal. An updated FRA was received in February 2024, with an updated external works and drainage layout drawing received in December 2024 to reflect the currently proposed layout.
160. The Drainage Officer has no raised concerns with the updated drawing and has not recommended any conditions. The proposal does not conflict with Policy 35 of the CDP, or with Part 14 of the NPPF.

Foul Water Drainage

161. CDP Policy 36 advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
162. Officers note that the proposed open air storage facility would not include a W.C., therefore foul water drainage is not a consideration. The proposal would therefore not conflict with Policy 36 of the CDP.

Contamination and Coal Mining Risk

163. Part 15 of the NPPF (Paragraphs 125, 187, 196 and 197) 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.
164. The site is not within either the Lower Risk or Higher Risk Coal Advice Areas, and is not within a Mining and Groundwater Constraint Area, as identified by the Coal Authority. The Coal Authority has not been consulted on this application.
165. A Geo-environmental Assessment has been submitted which highlights that the site historically formed part of a railway siding ancillary to a former Royal Ordnance Factory. The sidings were removed prior to 1976 and the site has lain vacant since.
166. Environment, Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objection, recommending conditions in the interest of mitigation potentially contaminated land due to its historic uses.
167. Subject to conditions 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 or with Part 15 of the NPPF in this respect.

Minerals Safeguarding

168. The site is partially overlain in its north western corner by a Minerals Safeguarding Area as identified in the County Durham. CDP Policy 56 states 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.

169. Officers are mindful that the proposal is for the laying out hardstanding to create an outdoor storage area, with an enclosing fence. No buildings are proposed. The proposal is of a somewhat temporary nature in that the development would not exclude the site from future mineral workings if such works were deemed viable. Officers are also mindful that the site is allocated for employment use in the County Durham Plan, and is located within an existing industrial estate, which would both form constraints in the event that the working the site for minerals were to be viable in the future.
170. It is considered that the development of this site for the proposed use would not lead to a conflict with CDP Policy 56 and Part 17 of the NPPF.

Other Matters

Health and Safety Executive

171. The site lies within a consultation zone for the Health and Safety Executive's (HSE) Major Hazard Sites Consult Zones, relating to the Ineos Chlorvinyls Ltd site approximately 150m west of this site. The site is used to fabricate plastics.
172. The HSE has been consulted and have not raised concerns. No conditions have been recommended.

Public Sector Equality Duty

173. 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.
174. 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

175. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
176. The application is for the creation of an open storage area (Use Class B8) on an area of scrubland. The site is specifically allocated for employment land use under CDP Policy 2, and also falls within the wider Aycliffe Business Park (North) allocation for employment land. The principle of this form of development accords with CDP Policy 2 and is therefore supported in principle, although it is noted that no new jobs would be created.

177. The proposed development has not generated public interest, with no letters of objection or support received. Great Aycliffe Town Council has responded with no comment/no objection.
178. Consideration has been given to the principle of development, design and visual impact, heritage, amenity of neighbouring land uses, access and traffic, ecology, trees, flooding and drainage and contaminated land. Following receipt of further information in December 2024 it is considered that the previous concerns relating to ecology, trees and drainage matters have been resolved. Subject to conditions where appropriate, and securing the long term management & maintenance of the site in accordance with an HMMP through a legal agreement, the impacts of the development are considered to be acceptable.

RECOMMENDATION

179. That the application be **Approved** subject to the following conditions, and subject to completion of a legal agreement securing long term management, maintenance and monitoring in accordance with a Habitat Management and Monitoring Plan:

Time Limit

- 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.

Approved Plans

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

1093-EMR-00-00-D-A-00210 Revision P02 – Proposed Site Entrance Works
1093-EMR-00-00-D-A-00220 Revision P03 – Indicative Lighting Layout
1093-EMR-00-00-D-A-00250 Revision P02 – Proposed New Landscaping Areas
001 Revision G – External Works and Drainage Layout

Flood Risk and Drainage Impact Assessment Revision B, by Portland Consulting Engineers dated 23rd February 2024.

'A Plan for Dingy Skipper Mitigation on Land North of Emerald Biogas at Newton Aycliffe', received 5th December 2024.

Reason: To define the consent and ensure that a satisfactory form of development is obtained and in accordance with Policies 2, 3, 21, 22, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 45 of the County Durham Plan, and Policies S1, S2, H1, H2, H3, G1, G3, E1 and T1 of the City of Durham Neighbourhood Plan.

Working Hours

- 3) No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays without express permission from the Local Authority.

Banksmen will be employed to escort deliveries and manage traffic when reversing onto the public highway or other activity which may impact on road safety. All off-loading of plant, equipment and materials will be carried out on site and vehicles would turn around before leaving.

Reason: To protect the amenity of neighbouring land uses from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Highways

4) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum, but not restricted to, the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction and suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Plan based details of the position, and heights relative to ground level, of security fencing, contractors' compounds, and temporary infrastructure, including cranes, plant, and other equipment, and storage arrangements for materials.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials, to including the timings of deliveries and the types of delivery vehicle(s) to be used.
9. Details of provision for all site operatives, including visitors and construction vehicles, for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13. Management measures for the control of pest species as a result of demolition or construction works.

14. Details of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" (or an equivalent British Standard if replaced) during the planning and implementation of site activities and operations.

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

Reason: To protect the amenity of existing and future neighbouring land uses from the development, and in the interest of highway safety, in accordance with Policies 21 and 31 of the County Durham Plan and with Parts 9 and 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

Landscaping

5) Notwithstanding the hereby approved plans, prior to any tree felling within the site, precise details of the location and species of the proposed replacement planting in the northeast corner of the site shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include replacement of individual trees on at least a 2:1 ratio.

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

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

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

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

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area, in accordance with Policies 29 and 40 of the County Durham Plan, Policy GANP E4 of the Great Aycliffe Neighbourhood Plan, and with Part 15 of the National Planning Policy Framework.

Amenity of Neighbouring Land Uses

6) Prior to any potentially odorous and/or dust generating material being stored on site, a management plan detailing how the amenity impacts of that material would be mitigated against shall be submitted to and approved in writing by the Local Planning Authority.

No odorous and/or dust generating material shall be stored on site unless in accordance with the approved management plan.

Reason: To protect the amenity of neighbouring land uses from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Contaminated Land

7) No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

8) Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and with Part 15 of the National Planning Policy Framework.

External Lighting

9) Prior to any fixed external lighting being brought into use, precise details of the height, angle, direction and luminosity of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

Any fixed external lighting within the site shall not be brought into use unless in accordance with the approved details.

Reason: In the interest of the visual amenity of the surrounding area, and in the interest of the amenity of the neighbouring land uses, in accordance with Policies 29 and 31 of the County Durham Plan and with Parts 12 and 15 of the National Planning Policy Framework.

Ecology Conditions

10) Prior to works commencing, a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall detail the measures set out in the hereby approved:

- Dingy Skipper Mitigation Statement; and
 - 1093-EMR-00-00-D-A-00250 Revision P02 – Proposed New Landscaping Areas
- both received 3rd December.

The works shall then be carried out in accordance with the approved Habitat Management and Monitoring Plan.

Reason: In the interest of preserving the identified priority species, and in the interest of achieving a Biodiversity Net Gain, in accordance with Policy 41 of the County Durham Plan and with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the approved details are agreed and implemented during the construction works.

11) Notwithstanding the hereby approved Dingy Skipper Mitigation Statement, prior to works commencing the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) Details of proposed seeding and plug planting; and
- (ii) A description of the target habitat.

The works shall then be carried out in accordance with the approved details.

Reason: To enable the monitoring of the site and to provide management recommendations, in the interest of preserving the identified priority species, and in the interest of achieving a Biodiversity Net Gain, in accordance with Policy 41 of the County Durham Plan and with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the approved details are agreed and implemented prior to the priority species mitigation details being implemented.

12) Prior the development being brought into use, a written statement confirming that the agreed habitat creation has been completed to the required specification, and signed off by the ecological consultant, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the identified priority species, and in the interest of achieving a Biodiversity Net Gain, in accordance with Policy 41 of the County Durham Plan and with Part 15 of the National Planning Policy Framework.

Height Restriction

13) No structures, material or items shall be stored within the site above the height of 3 metres.

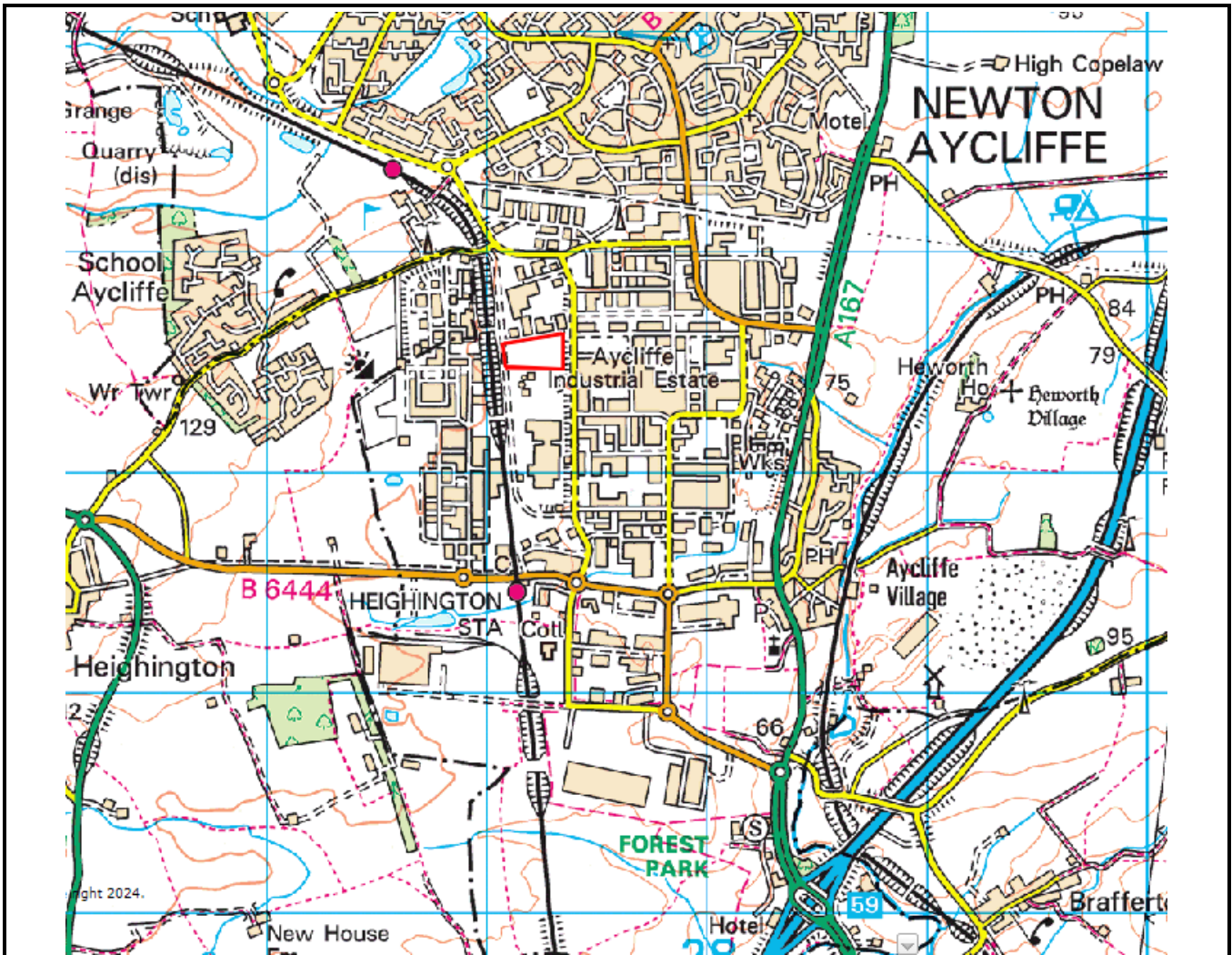
Reason: In the interest of the visual amenity of the area, in accordance with Policy 29 of the County Durham Plan and with Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
 - Trees, Woodland and Hedges SPD (2024)
 - Parking and Accessibility SPD (2023)
 - County Durham Settlement Study (June 2018)
- Great Aycliffe Neighbourhood Plan (July 2017)



Planning Services

DM/23/02008/FPA

Engineering and associated works to form enclosed area in association with storage use.

Land North Of Emerald Biogas, Preston Road, Aycliffe Business Park, Newton Aycliffe DL5 6AB

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Date January 2025

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