## Application Details

<table>
<thead>
<tr>
<th>Application No:</th>
<th>DM/15/03726/FPA</th>
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<tbody>
<tr>
<td>Full Application Description:</td>
<td>Access improvement works, formation of new access road, regrading of land to facilitate development and erection of electrical substation and associated infrastructure.</td>
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<tr>
<td>Name of Applicant:</td>
<td>Strategic Traffic Section (Durham County Council)</td>
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<tr>
<td>Address:</td>
<td>Land Adjacent Newton Park Services, Coatham Mundeville, Durham, DL1 3NL</td>
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<tr>
<td>Electoral Division:</td>
<td>Aycliffe East</td>
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<tr>
<td>Case Officer:</td>
<td>Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a></td>
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### Description of the Site and Proposals

#### The Site

1. The application site measures 2.4ha in area and is located to the south of Newton Aycliffe at Newton Park Services, adjacent to Junction 59 of the A1(M). The site contains a rectangular shaped parcel of used for the grazing of horses and agricultural purposes; it has an undeveloped appearance and has no specific designation in the Sedgefield Borough Local Plan. The A167 lies directly to the east of the site, where a vehicular access is taken, also serving the adjacent Newton Park Services. To the north of the site is a vacant parcel of land designated for industrial purposes in the Sedgefield Borough Local Plan, separated by a mature hedgerow. Hill House Farm is located to the west of the site, consisting of a number of large agricultural buildings. To the south undeveloped land and Newton Park Services including McDonald’s restaurant is located. A level change is evident across the site, with the eastern boundary adjacent the A167 approximately 17.5 meters lower than the most westerly point adjacent to Hill House Farm.

2. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. The Aycliffe Village Conservation Area containing a number of Listed Buildings, including the Grade I Listed Church of St Andrew Aycliffe, is located approximately 690m to the north of the site.
Due to the topography of the surrounding land and landscaping the site is not visible from this designated area or assets. Aycliffe Quarry Local Wildlife Site is located 380m to the north. A public bridleway is located to the northern boundary of the site (No.10 Great Aycliffe) and to the southern boundary a public footpath (no.8 Great Aycliffe) is located to the southern boundary.

The Proposals

3. This application seeks planning permission for the installation of infrastructure to enable the future development of a wider proposed development site to the west for a potential 163,000m$^2$ of B2 (General Industry) and B8 (Storage and Distribution) uses as well as a strategic rail freight interchange with the aim of providing 3,200 jobs. The development of the wider site would be subject to a number of later planning applications; however this first phase proposes three elements of infrastructure.

4. The first is the construction of a new signalised junction to allow traffic to turn in both directions along the A167 in place of the existing junction. An internal link road would extend past the existing services towards Hill House Farm. This would form the main access for the future proposed development, while also improving access to the existing services. The highway works would incorporate ducting/loading requirements to service the intended future development. Toucan crossing facilities at the A167 junction would be provided which would allow accessibility by cycle and on foot.

5. The second element is the installation of a 23 Mega Watt (MW) power supply into the site and the construction of a 33kV/11kV substation. This would provide power to the site to aid its further expansion. The substation would consist of three separate brick buildings measuring 17m by 17m, 15m by 8m and 4m by 8m at a maximum height of 3m.

6. The substation would be erected on a plateau measuring 67m by 62m formed by regrading of the land and earth works. It is also intended to create a lower level plateau directly adjacent the A167 measuring 100m by 80m. This area would remain vacant for future development. Due to the level changes across the site a maximum difference in height of 5m would be evident between the two plateau’s and an embankment would be formed between the two areas: directly adjacent the A167, Hill House Farm and to the northern boundary. These embankments would provide screening and create additional habitat mitigation.

7. The development has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and is not considered to represent EIA development. There is not sufficient detail prepared for the wider scheme to consider whether this would represent EIA development. However any later assessment would need to take into account the cumulative impact including this development.

8. This application is being reported to County Planning Committee as it falls within the definition of a major development and exceeds 2ha in site area.
There is no relevant planning history to the site.

The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.

1. **NPPF Part 1 – 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.

2. **NPPF Part 2 – Ensuring the vitality of town centres** – Sets out that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

3. **NPPF Part 4 – Promoting sustainable transport.** Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

4. **NPPF Part 7 – Requiring Good Design.** 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.

5. **NPPF Part 8 – Promoting Healthy 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.
17. **NPPF Part 10 – Meeting the Challenge of Climate Change.** Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

18. **NPPF Part 11 – Conserving and enhancing the natural environment.** The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

19. **NPPF Part 12 – Conserving and enhancing the historic environment.** Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

20. 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; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

http://planningguidance.planningportal.gov.uk/

**LOCAL PLAN POLICY:**

The Sedgefield Borough Local Plan (SLP) (1996)

21. **Policy E1 – Landscape Protection and Enhancement** – Seeks to encourage the maintenance of distinctive landscapes by requiring developments fit into the landscape.
22. **Policy E11 – Safeguarding sites of Nature Conservation Interest** – Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.

23. **Policy E15 – Safeguarding woodlands, trees and hedgerows** – Sets out that the Council expects development to retain important groups of trees and hedgerow and replace any trees which are lost.

24. **Policy D1 – General Principles for the layout and design of new developments** – Sets out that new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

25. **Policy D2 – Design for people** – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.

26. **Policy D3 - Design for access** - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.

27. **Policy D4 – Layout and Design of new Industrial and Business Development** – Sets out that the layout and design of all new industrial and business development will normally be expected to have a high standard of building design, accommodate traffic generated by the development without causing danger or inconvenience to other road users and have an appropriate standard of landscaping including screening of open storage areas.

**EMERGING PLAN:**

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

http://www.durham.gov.uk/ldf (Sedgefield Borough Local Plan)

**CONSULTATION AND PUBLICITY RESPONSES**
**STATUTORY RESPONSES:**

29. *Great Aycliffe Town Council* – Offer no comments.

30. *Highway Authority* – Offer no objections, advising that the conclusions of the Transport Assessment are sound and that the proposed access and existing junctions could operate satisfactorily taking into account potential full development flow. It is also advised that the proposed junction radii and internal road layout would be suitable to serve the existing and proposed development, while the proposed 3m wide shared footway/cycleway is acceptable to improve accessibility.

31. *Highways England* – Offer no objections to the proposed development in this phase. It is however advised that further traffic modelling work and potential mitigation would be required in relation to phase two development, to support future planning applications for the wider site.

32. *Northumbrian Water Limited* – Offer no comments having assessed the impact of the proposed development on its assets and assessed the capacity within Northumbrian Water’s network to accommodate and treat the anticipated flows arising from the development.

33. *Drainage and Coastal Protection* – Advise that the submitted Flood Risk Assessment sufficiently covers the principle relating to the disposal of surface water from the development. The detailed drainage design of the site would need to be submitted for approval once developed.

**INTERNAL CONSULTEE RESPONSES:**

34. *Landscape* – Advise that there would be some localised landscape and visual impacts arising from the proposals, however, subject to developing a landscaping plan and the retention of key vegetation the visual impact of the development is likely to be appropriately mitigated.

35. *Ecology* – Offer no objections subject to the mitigation and methodology detailed within the submitted Ecology Report being adhered to. A methodology for the translocation of the Dingy Skipper Habitat would need to be submitted to and agreed before development commences.

36. *Environmental Health and Consumer Protection* - Advise that on the basis that there is limited existing residential uses adjacent to the site, therefore no concerns are raised in relation to the impact (Noise/dust/odour/smoke) of the development.

37. *Environmental Health and Consumer Protection (Contaminated Land)* – After reviewing the submitted phase 1 report, advise that a conditional approach is adopted in relation to further site investigation for potential land contamination.

38. *Archaeology* – Advise a conditional approach to scheme of investigation and recording of potential archaeological remains.
39. **Access & Rights of Way** – Advise that there are Public Rights of Way in proximity to the site, including a bridleway to the north and a footpath to the south. Accessibility for these Rights of Way would need to be maintained during the construction phase. It is suggested that consideration is given to improving connectivity between these two routes.

**PUBLIC RESPONSES:**

40. The application has been publicised by way of press and site notices, and individual letters to neighbouring properties. No letters of representation have been received.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NYOISEGDFJ600

**APPLICANTS STATEMENT:**

41. This application seeks to deliver two significant pieces of infrastructure to enable the development of the wider Forrest Park II site. The planning application focuses on 2.4 hectares of land to the north east of the site, adjacent to the A167. The wider Forrest Park II site will open up an additional 50 hectares of development land, adjacent to Aycliffe Business Park. This has the potential to accommodate over 163,000m² of fully serviced and accessible B2 and B8 units, as well as a potential strategic rail freight interchange. These will remove barriers to development and subsequently provide significant employment opportunities, increase GVA and improve the competitiveness of the region. The wider development will take place in a number of phases over the next 10 years, delivering approximately 3,200 jobs. The development of the wider site will be subject to a number of later planning applications.

42. The first element detailed in this planning application involves the construction of a new junction and internal link road. The existing junction only permits a left in and left out access, with the new junction to be signalised permitting all movements. A new link road will connect the junction to the existing services and new substation, and eventually to the wider site. Toucan crossing facilities at the A167 junction will be provided which will facilitate safer and more sustainable journeys on cycle and foot. The new junction on the A167 will be located some 40m north of the existing junction. A transport assessment has been produced considering existing baseline conditions, access by sustainable modes of travel, development trip rates and distribution including committed developments; and future year operational assessments of the local highway network. The transport assessment showed the new arrangements could operate within capacity without impacting negatively on the adjacent network. The highway works will incorporate ducting/loading requirements to feed the remainder of the site, once it is developed.

43. The second element is the installation of a bespoke 23MW power supply into the site and a newly constructed 33kV/11kV substation. This will provide power to the wider site and to the wider Newton Aycliffe area. Detailed work has been undertaken with Northern Power Grid (NPG) and specialist power
consultants, to determine power requirements based on the proposed floor space (m²) for the wider site.

44. The third element is complimentary earthworks, facilitating two plateaus cited to the north of the proposed access road. The western plateau will be used to accommodate the substation, which forms part of the application and the eastern plateau will be used for future commercial development, which will be subject to a further planning application at a later date. The levels layout reflects a number of fixed points adjacent to the project. These include the A167 carriageway, Hill House Farm (to remain in the interim), and adjacent private land. From east to west there will be a levels difference of approximately 17m. The plateau hosting the substation has been set back from the A167. Complimentary planting will be introduced to effectively screen the substation.

The above 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: http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues raised relate to the principle of development, visual/landscape impact, highway safety/access, amenity of adjacent land uses, ecological interests flooding and drainage and other issues.

The Principle of Development

46. 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 Sedgefield Borough Local Plan (SBLP) remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

47. Furthermore, paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise): approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission, unless: i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole; or, ii) specific policies in this Framework indicate development should be restricted.
48. In this respect the SBLP is silent on setting out a framework to consider infrastructure projects that are not located within existing employment sites. Although saved Policies E1 (Landscape Character), D1 (General Principles for the layout and design of new developments) and D4 (Layout and Design of new Industrial and Business Development) are relevant in general terms, it is considered that paragraph 14 of the NPPF would apply.

49. The NPPF sets out that a key objective of creating sustainable development is the economic role. This includes contributing to building a strong, responsive and competitive economy ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and identifying and coordinating development requirements, including the provision of infrastructure.

50. In this respect the proposal would provide infrastructure to facilitate a wider and substantial development that has the potential to bring a significant amount of investment and jobs into the County. This second phase is likely to come forward over the next two years. In accordance with Paragraph 14 of the NPPF, the acceptability of the development therefore rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Visual/landscape Impact

51. SBLP Policy E1 seeks to encourage the maintenance of distinctive landscapes by requiring that development integrates appropriately with the landscape, while Policy E15 seeks to protect important landscape features such as hedgerows and trees. SDLP Policies D1 and D4 seek to promote a high standard of design and include landscape screening where appropriated. These Policies are considered to be broadly consistent with the NPPF as Part 11 of the NPPF also sets out that the planning system should contribute to, and enhance the natural and local environment by protecting and enhancing valued landscapes, while Part 7 seeks to promote good design. Significant weight can therefore be afforded to SDLP Policies E1, E1, D1 and D4.

52. The application site is not afforded any special landscape designation in the SBLP. The site is relatively open, has an undeveloped appearance and is set against the backdrop of mature vegetation which provides screening to adjacent industrial developments. This openness and level of landscaping contributes to the general character of the area. The proposed development would result in the alteration of the land levels to provide two development plateaus; this would change the character and appearance of the site.

53. In appraising the landscape impact of the development, the Council’s Landscape officers advise that there would be some localised landscape and visual impacts arising from the proposals. However, subject to developing a landscaping plan and the retention of key vegetation the visual impact of the development is likely to be appropriately mitigated. A detailed landscaping scheme has not been submitted alongside the planning application, however, it is indicated that the embankments formed would be planted with vegetation particularly in front of the proposed substation, to provide an effective visual screen. The final details of the landscaping of the site are proposed to be
secured by condition. An arboricultural report has informed the site layout to ensure that regrading works would be outside of the root protection areas of the trees lining the northern site boundary and the Bridleway to the north.

54. The site plan sets out the likely size of the substation and its components, however no final detailed elevational design has been finalised, this is dictated by the required output of the substation dependent on the scale of development of the wider site. It is likely that the building would be constructed in brick but would have an industrial appearance at a maximum height of 5.9m. Although the screening on the embankment directly to the east of the substation would assist in mitigating the impact of the development to a large degree, a condition is recommended to control is final size and appearance.

55. Overall, it is considered that the site is capable of accommodating the level of development indicated, and subject to mitigation planting would have limited impact on the character and appearance of the surrounding area. The proposal would therefore comply with SBLP Policies E1, D1 and D4 and Part 11 of the NPPF in this respect.

Highway Safety/Access

56. SBLP Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy D3 is considered consistent with the NPPF, which also requires that safe and suitable access can be achieved for all people and therefore this policy can be afforded significant weight.

57. As set out above the proposal would result in the formation of a new junction in place of the existing access serving the site and adjacent services. The junction is designed to serve phase 2 of the development, an indicated 163,000m² floorspace of B2 and B8 uses and a rail freight interchange, and would be signalised allowing travel in both directions on the A167.

58. The Highways Authority advises that the proposed access arrangements and impact on the highway network, would be acceptable and therefore offer no objections to the scheme. Following a review of the submitted Transport Assessment, it is advised that the proposed access and existing junctions could operate satisfactorily taking into account potential full development flow. It is also advised that the internal road layout is acceptable and be suitable to serve both the future development intended for the site and the existing operations associated with the adjacent services.

59. Highways England, the statutory consultee for developments that may affect the strategic road network, raises no objections to the proposed junction arrangements. It is however advised that further traffic modelling work and potential mitigation would be required in relation to phase two development. This would be considered as part of the determination of any future planning application for the wider site.

60. There are two Public Rights of Way in proximity to the site, including a bridleway to the north and a footpath to the south. The Council’s Access and
Rights of Way Section set out that accessibility for these rights of way would need to be maintained during the construction phase, while it is recommended that that consideration is given to improving connectivity between these two routes. In this respect it is accepted that better connectivity should be encouraged, however this would be better dealt with comprehensively when the development of the wider site is brought forward.

61. The proposed development at this stage falls below the requirement to consult with neighbouring Authorities, in this instance Darlington Borough Council, however consultation will be required at a later date.

62. Overall, based on the advice of the Councils’ Highways Authority and Highways England, the proposed junction arrangements would have an acceptable impact on the wider highway network taking into account the intended amount of development on the site and exiting users of the junction. Further work would be required in any subsequent planning application for the proposed phase 2 development in terms of mitigation and traffic modelling, however at this stage the proposal would comply with SBLP Policy D3 and Part 4 of the NPPF in this respect.

Impact on amenity of adjacent land uses

63. SBLP Policy D1 highlights that developments should have regard to the site’s relationship to adjacent land users and activities. This Policy is considered compliant with the NPPF, which at Part 11 also seeks to ensure that new development is appropriate for its location taking into account pollution, including emissions such as noise.

64. In this respect the site is predominately surrounded by agricultural fields while the commercial development of Newton Park Services is located to the south east and Aycliffe Business Park to the north. Given the nature of these neighbouring uses, no conflict in land use terms would arise. To the north of the site is Hill House Farm. This development is principally used for agricultural purposes while there a residential use associated with the site. However, this farm forms part of the wider development site and would be cleared when phase 2 is brought forward and at a similar time the substation is brought into use. The farm is also occupied on a short term tenancy. On this basis and the limited residential use of the site Environmental Health and Consumer Protection officers offer no objections to the application and the development is consider to comply with SBLP Policy D1 and Part 11 of the NPPF in this respect.

Ecology

65. Paragraph 11 of the NPPF and SBLP Policy E11 requires Local Planning Authorities to take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology assessment considering the potential impacts of the development on protected species.

66. The assessment identifies the presence of habitat that is capable of supporting the Dingy Skipper butterfly, identified as a UK BAP species, measuring approximately 1500m$^2$. In order to mitigate the impact of the
development it is proposed to translocate the area, within the proximity of the application site, with its exact location and methodology to be agreed. The report advises that the development is considered unlikely to impact on other protected species such as bats, great crested newts or badgers. However, tree protection measures are recommended along with habitat creation and restrictions on the timings of clearance works. The presence of the Aycliffe Quarry Local Wildlife Site is noted but it is considered that the proposed development a substantial distance from this site and would not have an impact.

67. The Council's Ecology officers have reviewed the report and verify its conclusions. It is therefore advised that the proposed translocation can be achieved and therefore subject to the proposed mitigation the impact on protected or priority species is acceptable and that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the development would comply with SBLP Policy E11 and NPPF Part 11.

Flooding and Drainage

68. The NPPF requires consideration be given to issues regarding flooding particularly from surface water run-off and to ensure that developments adequately dispose of foul water in a manner that prevents pollution of the environment.

69. In this instance the development is located within Flood Zone 1, the lowest category of flood risk. A Flood Risk Assessment has been submitted highlighting that surface water run off would be restricted to green field run off rates utilising appropriate SUD’s where appropriate.

70. The Councils Drainage Section offers no objection in relation to the proposed strategy, subject to agreeing the details of the scheme. Northumbrian Water has raised no objection to the scheme. The development is considered to conform to Part 11 in the NPPF in this respect.

Other Issues

71. A Phase 1 desk top study for contaminated land has been submitted and recommends a limited Phase 2 site investigation in the form of soil and shallow groundwater sampling to confirm the presence or absence of contamination. The Council’s Environmental Health and Consumer Protection officers (Land Contamination) considered the conclusions and recommendations of the report sound and recommends securing the Phase 2 investigation by condition in order to make the site safe for development and to comply with Part 11 of the NPPF.

72. In terms of archaeology, Part 12 of the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. The Councils Archaeology officers advise that the area near Newton Aycliffe has produced archaeological evidence for multi-period activity spanning the Prehistoric period. Although this parcel of land has suffered disturbance through undocumented agricultural activity, it is recommended that its archaeological interest should be evaluated through a
programme of trenching. A condition to secure this is recommended to ensure the development accords with part 12 of the NPPF.

73. The Aycliffe Village Conservation Area containing a number of Listed Buildings, including the Grade I Listed Church of St Andrew Aycliffe, is located approximately 690m to the north of the site. Due to the topography of the surrounding land and landscaping the site is not visible from this designated area or assets, there are also no mutually inter-visible points. It is therefore considered that there are no impacts on heritage assets.

CONCLUSION

74. A key role of delivering sustainable development as defined by the NPPF is the contribution to building a strong, responsive and competitive economy ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure. The development proposes the installation of infrastructure to enable the future development of a wider proposed development of 163,000m$^2$ potentially providing 3,200 jobs to the local area. The proposal is considered to accord with the NPPF in this respect.

75. Whilst the development would have some visual impact, this is considered localised and can be satisfactorily mitigated subject to mitigation planting and the protection of existing trees on the boundaries of the site in accordance with SBLP Policies E1, E15, D1 and D4.

76. The proposed junction and site layout has been designed to accommodate the potential future development it would serve; both the Council’s Highways Authority and Highways England offer no objections to this phase of development.

77. The mitigation proposed would ensure that the development would protect priority habitats for protected species and therefore it is considered that the development would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the development would comply with SBLP Policy E11 and NPPF part 11.

78. Surface water could be adequately managed to limit discharge rates subject to further detailing, while potential land contamination would be satisfactorily dealt with through further investigation. Although there is the potential for archaeological remains on site a written scheme of investigation would ensure any interest is adequately recorded.

RECOMMENDATION

That the application is Approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

   Engineering Layout, Drwg no. 1305633/PA/02 Rev 0/A
   Substation Layout, Drwg 33K VSTD, Rev C

   Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the submitted information, final details of the external appearance of the substation hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to its construction. The height of the substation should not exceed 5.9m from the approved ground level. The development there after shall be carried out in accordance with the approved details.

   Reason: To define the permission in the interests of the visual amenity of the surrounding area in accordance with policies E1, D1 and D4 of the Sedgefield Borough Local Plan and Parts 7 and 11 of the NPPF.

4. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the restriction of surface water discharge rates from the development to greenfield run off rates and the incorporation sustainable drainage systems where appropriate. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

   Reason: In the interest of the adequate disposal of surface water and to minimise flood risk in accordance with Policy D1 Sedgefield Borough Local Plan and Part 11 of the NPPF

5. No development shall be carried out unless in accordance with the mitigation and detailed within the Ecology Assessment dated November 2015 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

   Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy E11 of the Sedgefield Borough Local Plan and part 11 of the National Planning Policy Framework.

6. Notwithstanding the requirements Condition no.5 a detailed methodology for the translocation of the Dingy Skipper Habitat shall be submitted to and agreed in writing by the Local Planning Authority before any site clearance works commence. The relocation of the habitat there after shall be carried out in accordance with the approved details.
7. No development other than preliminary site excavation and remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

- Details of planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Seeded or turf areas, habitat creation areas and details.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years.

8. Prior to the commencement of re-grading works tree protection measures in accordance with BS 5837 (Trees in relation to construction) and as set out on the approved site plan Drwg no. 1305633/PA/02 Rev 0/A shall be implemented on site and retained for the duration of the construction work.

9. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
iii; Post-fieldwork methodologies for assessment and analyses.
iv; Report content and arrangements for dissemination, and publication proposals.
v; Archive preparation and deposition with recognised repositories.
vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings thereafter.

Within a period of 6 months from the completion of the approved scheme of investigation, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be submitted to the Local Planning Authority

*Reason: to comply with paragraph 141 of the NPPF and to mitigate the sites archaeological interest.*

10. The development hereby approved shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following.

**Pre-Commencement**

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

**Completion**

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11. This is required pre commencement to ensure that the site is safe for development due to the engineering works proposed.*

**STATEMENT OF PROACTIVE ENGAGEMENT**

The Local Planning Authority in arriving at its decision to support this application 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. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

**BACKGROUND PAPERS**

- Submitted Application Forms, Plans and supporting documents and subsequent information provided by the applicant
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Statutory, internal and public consultation responses
Planning Services

DM/15/03726/FPA
Access improvement works, formation of new access road, regrading of land to facilitate development and erection of electrical substation and associated infrastructure, Land Adjacent Newton Park Services, Coatham Mundeville,

Comments

Date February 2016
Scale 1:2500