

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 9 November 2022

**PRESENT** – Councillors Mrs D Jones (Chair), Allen, Bartch, Cossins, Heslop, C L B Hughes, Johnson, Laing, Lee, McCollom and Sowerby.

**APOLOGIES** – Councillors Lister and Tait.

**OFFICERS IN ATTENDANCE** – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

### PA36 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA37 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 19 OCTOBER 2022

**RESOLVED** – That the Minutes of this Committee held on 19 October 2022, be approved as a correct record.

### PA38 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.  <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
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### PA39 BISHOPTON LAND SOUTH OF GATELY MOOR RESERVOIR, REDMARSHALL ROAD, BISHOPTON

**22/00727/FUL** - Solar farm and energy storage facility together with associated works, equipment and infrastructure (cross boundary application with Stockton Borough Council) (amended site layout plan received 26 August 2022, further amended site layout plan, landscape and green infrastructure plans, addendum to LVIA (cumulative impact assessment) and response to consultees received 29 September 2022 and amended biodiversity management plan received 18 October 2022)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, the Environmental Health Officer, the Lead Local Flood Authority, the Council's Conservation Adviser, the Durham County Council Archaeology Department, the Council's Ecology Adviser, the Council's Rights of Way Officer, seven letters of objection received, the objections of Bishopton Parish Council, the objections of CPRE Durham, and the views of the Applicant's

Agent, two Objectors and a representative of Bishopston Parish Council, whom the Committee heard).

**RESOLVED** – That Planning Permission be granted subject to the following conditions:

1. A3 (Standard 3 year time limit)
2. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date) or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within one month of the First Export Date. The site shall be decommissioned and all buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented in full within 6 months of approval of those details.

**REASON** - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

3. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the removal of all buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved details shall then be implemented in full within 6 months of approval of those details or such other period as may be approved in writing by the Local Planning Authority.

**REASON** - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

4. The development hereby approved shall be carried out in accordance with the following plans and documents:
  - (a) Site location plan, drawing number P20-0234\_03F dated 8.6.2022
  - (b) Site layout plan, drawing number P20-0234\_04O dated 28.9.2022
  - (c) Landscape mitigation proposals, drawing number P20-0234\_12F dated 28.9.2022
  - (d) Green infrastructure plan, drawing number P20-0234\_19A dated 28.9.2022
  - (e) Inverter station elevations, drawing number GMSF\_CS21GB001\_01 dated 16.5.2022
  - (f) Panel elevations bifacial, drawing number GMSF\_CS21GB001\_02 dated 16.5.2022
  - (g) Customer Station Elevation, drawing number GMSF\_CS21GB001\_04 dated 16.5.2022

- (h) Cable Trench Cross Section, drawing number GMSF\_CS21GB001\_05 dated 16.5.2022
- (i) Fence and Gates, drawing number GMSF\_CS21GB001\_06 dated 16.5.2022
- (j) Spare Parts Building Details, drawing number GMSF\_CS21GB001\_07 dated 16.5.2022
- (k) Battery Storage Elevations, drawing number GMSF\_CS21GB001\_08 dated 16.5.2022
- (l) Meteo Station Details, drawing number GMSF\_CS21GB001\_09 dated 16.5.2022
- (m) CCTV Pole Details, drawing number GMSF\_CS21GB001\_10 dated 16.5.2022
- (n) Road Cross Section, drawing number GMSF\_CS21GB001\_11 dated 16.5.2022

**REASON** – To ensure the development is carried out in accordance with the planning permission.

5. Prior to the commencement of the development hereby permitted a final biodiversity management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in full accordance with the measures contained within the final biodiversity management plan, including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority for the lifetime of the development hereby approved.

**REASON** – To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

6. Prior to the commencement of the development hereby approved, pre-construction survey checks shall be undertaken for the presence of badgers and the results of the survey and any necessary mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures shall be implemented in full.

**REASON** - To ensure any impacts on protected species can be appropriately mitigated.

7. Prior to the commencement of the development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

**REASON** – In the interest of visual amenity

8. Tree protection measures outlined in the Arboricultural Impact Assessment shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site. This shall include:

- Permanent perimeter site deer fencing which will provide protection to site trees and hedgerows during construction; and
- Temporary site tree protection fencing centrally within the site and described in paragraph 6.2 of the Arboricultural Impact Assessment

**REASON** – To safeguard and enhance the character and amenity of the site, and to avoid any reversible damage to retained trees.

9. No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development and completed to the satisfaction of the Local Planning Authority.

**REASON** – To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhanced biodiversity.

10. Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, type and frequency of construction/staff vehicles, road maintenance, and signage, wheel washing plant, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen and on-site parking arrangements. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** – In the interests of highway safety.

11. Prior to the commencement of the development, precise detail of access(es) shall be submitted to and approved in writing. Details shall include visibility splays, details of cut off drainage to prevent the discharge of surface water onto the highway, location of gates, and turning facilities for the long-term operation of the site. The first 12m of each access/internal road shall be constructed in a sealed material (i.e., not loose gravel).

**REASON** – In the interests of highway safety.

12. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 Saturday with no activities on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

**REASON** – In the interest of residential amenity.

13. Any unexpected ground contamination identified during subsequent construction/demolition works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority. The development must be completed in accordance with any further agreed amended specification of works.

**REASON** – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses 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 without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

14. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing, the following details:

- i. Detailed design of the surface water management system (for each phase of the development)
- ii. A build programme and timetable for the provision of the critical surface water drainage infrastructure
- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase
- iv. Details of adoption responsibilities.

**REASON** – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance Darlington Local Plan Policy DC2 and the National Planning Policy Framework, 2021.

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Gately Moor Solar Farm Flood Risk Assessment, Issue 01 dated 17th June 2022.

**REASON** – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants

16. The development hereby approved shall not be brought into use until:

- i. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said development
- ii. The drawings of all SUDS features have been submitted and approved in

writing by the Local Planning Authority. The drawings should highlight all site levels, including the 30 year and 100 year +cc flood levels and confirmation of storage capacity

- iii. A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority. This should include the funding arrangements and cover the lifetime of the development.

**REASON** – To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

17. No development shall commence until a Strategy for Archaeological Mitigation, including a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological mitigation will then be carried out in accordance with the approved strategy.

**REASON** – To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF). This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

18. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

**REASON** - To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF).

19. No gates shall be designed to open out from the access track which bisects Footpath No. 7 in the western part of the application site over the footpath.

**REASON** - To safeguard the amenities of users of the public right of way.

20. Notwithstanding the submitted details should any external lighting be required at either the construction or operational phases of the development, details of such lighting including measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority. Any such external lighting as approved shall be installed in accordance with the approved details and shall be retained as such for the lifetime of the development.

**REASON** – To minimise possible light pollution in the interests of visual and residential amenity

**22/00213/FUL** - Installation of a solar farm comprising of ground mounted bifacial solar panels, access tracks, string inverters, transformers, substation, storage containers, underground cables and conduits, perimeter fence, temporary construction compound and associated infrastructure and planting scheme (Supplementary Heritage Statement received 1 June 2022, amended site layout plan received 22 June 2022, additional Biodiversity Management Plan received 19 July 2022, amended site layout plan, mitigation plans and biodiversity management plan received 11 October 2022, biodiversity metric received 12 October 2022 and amended biodiversity management plan received 14 October 2022).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, the Council Environmental Health Officer, National Highways, Network Rail, British Transport Police, Durham County Council's Archaeology Section, the Council's Ecology Officer, the Council's Rights of Way Officer, the Heritage Action Zone Project Officer, one letter of support received, the support of Whessoe Parish Council, the objections of the Friends of the Stockton and Darlington Railway, the objections of CPRE Durham, the objections of Durham Bird Group, the objections of Savills, on behalf of Hellens Land and Homes England, and the views of the Applicant, one Objector and one Supporter, whom the Committee heard).

**RESOLVED** – That Planning Permission be granted subject to the completion of a Section 106 Agreement and the following conditions:

1. A3 (Standard 3 year time limit)
2. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date) or in the event that electricity is not exported to the electricity grid after 5 years from the commencement of development. Written confirmation of the First Export Date shall be submitted to the Local Planning Authority within one month of the First Export Date. The site shall be decommissioned and all buildings, structures and infrastructure works above and below ground to a depth of a minimum of 1000mm hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The approved details shall then be implemented in full within 6 months of approval of those details.

**REASON** - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

3. In the event that the solar farm does not export electricity for a continuous period of 12 months or longer, a scheme for the restoration of the site, including the removal of all buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved details shall then be implemented in full within 6 months of approval of those details or such other period as may be approved in writing by the

Local Planning Authority. Alternatively, valid reasoning for the inactivity of the development should be provided in writing to the Local Planning Authority not later than 12 months following the last export of electricity.

**REASON** - The proposed development has a limited lifetime and when that point is reached the land should be restored to its previous character and appearance and to productive agricultural use.

4. The development hereby approved shall be carried out in accordance with the following plans and documents:
  - (a) Proposed site layout plan, drawing number GBR.0008.DEV.MA.001.0.O dated 11.10.2022
  - (b) Proposed mitigation plan, Figure LV5, Version 1, dated 11.10.2022
  - (c) Proposed mitigation plan, Figure LV5, Version 2, dated 11.10.2022
  - (d) Typical solar panel, Figure 3
  - (e) Typical arrangement of solar panel rows, Figure 4
  - (f) Typical transformer unit, Figure 5
  - (g) Typical client substation/control room, Figure 6
  - (h) Typical DNO substation, Figure 7
  - (i) Typical substation fencing, Figure 8
  - (j) Typical cable trench detail, Figure 9
  - (k) Typical storage unit, Figure 10
  - (l) Proposed site entrance, Figure 11
  - (m) Typical site track detail, Figure 12
  - (n) Typical ditch crossing, Figure 13
  - (o) Typical site fence, Figure 14

**REASON** – To ensure the development is carried out in accordance with the planning permission.

5. Prior to the commencement of the development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

**REASON** – In the interest of visual amenity

6. Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement(s) specifically and in writing:
  - (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014



- (b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites"
- (c) Vehicle and pedestrian routes, type and frequency of construction/staff vehicles, road maintenance, and signage, wheel washing plant, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen and on-site parking arrangements.

The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** – In the interests of highway safety and residential amenity.

- 7. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 Saturday with no activities on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

**REASON** – In the interest of residential amenity.

- 8. Prior to the commencement of the development, precise detail of access(es) shall be submitted to and approved in writing. Details shall include visibility splays, details of cut off drainage to prevent the discharge of surface water onto the highway, location of gates, and turning facilities for the long-term operation of the site. The first 12m of each access/internal road shall be constructed in a sealed material (i.e., not loose gravel).

**REASON** – In the interests of highway safety.

- 9. Precise details of the boundary fencing shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways prior to the commencement of the development. The details shall include details of the height, design and location of the fence. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** – In the interests of the safe and efficient operation of the A1(M) Motorway and to ensure that National Highways retain reasonable access onto motorway land and that opportunities for errant access are reasonably minimised.

- 10. No development shall commence of any phase of the development until a Construction and Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall specifically include:

- Access arrangements specifically ensuring that the site is not at any stage accessed from the Strategic Road Network (SRN)
- Impacts from the construction site on the A1(M)

- Workforce/contractor parking and access; and
- Details of delivery arrangements

**REASON** – To ensure that the A1(M) continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety.

11. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the Local Planning Authority) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timescale.

**REASON** – In the interest of the safety, operational needs and integrity of the railway.

12. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. Thereafter the development shall be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

**REASON** – In the interest of the safety, operational needs and integrity of the railway.

13. A suitable trespass proof fence shall be erected adjacent to Network Rail's boundary, details of which shall be submitted to and approved in writing by the Local Planning Authority, to include provision for its future renewal and maintenance. The fence shall be erected in accordance with the approved details and shall be maintained for the lifetime of the development.

**REASON** – In the interest of the safety, operational needs and integrity of the railway.

14. Prior to the commencement of the development and any site investigation works, or at a time agreed in writing by the Local Planning Authority, a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documents by a suitably competent person(s) in accordance with the published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to full and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

**REASON** – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to 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 without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

15. Prior to the commencement of the development, or at a time agreed in writing by the Local Planning Authority, a Phase 2 Site Investigation works shall be conducted, supervised and documented by a suitably competent person(s) and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a suitably competent person(s) in accordance with the published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

**REASON** – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to 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 without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

16. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority, a Phase 3 Remediation and Verification Strategy shall be prepared by a suitably competent person(s) to address all human health and environmental risks associated with the contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

**REASON** – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to 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 without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

17. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works, shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to a further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

**REASON** – The site may be contaminated as a result of past or current uses and/or is

within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to 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 without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

18. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a suitably competent person(s) and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

A Phase 4 Verification and Completion Report shall be compiled and reported by a suitably competent person(s), documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing by the Local Planning Authority within 2 months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

**REASON** – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to 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 without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

19. No development shall commence until a Strategy for Archaeological Mitigation, including a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological mitigation will then be carried out in accordance with the approved strategy.

**REASON** – To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF). This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

20. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of

Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

**REASON** - To safeguard any archaeological interest in the site and to comply with Part 16 of the National Planning Policy Framework (NPPF).

21. The development permitted by this planning permission shall only be carried out in accordance with the approved Burtree Lane Solar Farm Flood Risk Assessment & Drainage Strategy, Version 3.0 RAB:2681L dated 4th March 2022.

**REASON** – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants

22. No development shall commence until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All known existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development and completed to the satisfaction of the Local Planning Authority.

**REASON** – To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhanced biodiversity.

23. Prior to the commencement of the development hereby approved (including demolition work, details shall be submitted of a scheme to protect those existing trees to be retained as part of the development. The submitted details shall comprise generally the specification laid down within BS 5837 and where necessary shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachments. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of protection works prior to the commencement of any of the work to allow an inspection of the measures to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads, or carrying out of any engineering operations;
- (d) Lighting of fires;

- (e) Driving of vehicles or storage of materials and equipment.

**REASON** – To ensure a maximum level of protection in order to safeguard the well-being of the trees on site and in the interests of the visual amenities of the area.

24. Prior to the commencement of the development hereby approved, details of a scheme to include the upgrading of the section of Footpath No. 6 in the Parish of Whessoe within the application boundary and under the applicant's control shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the upgrading works shall be implemented in accordance with the approved details and shall be available for use prior to the first exporting of power from the approved development.

**REASON** – To comply with Local Plan Policy ENV2.

25. Prior to the commencement of the development hereby approved, details of a scheme for the siting and design of an information board along the route of Footpath No. 6 in the Parish of Whessoe within the application boundary to promote understanding of the Stockton and Darlington Railway in this location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the information board shall be provided in accordance with the approved details and prior to the first exporting of power from the approved development.

**REASON** – To comply with Local Plan Policy ENV2.

26. Notwithstanding the submitted details should any external lighting be required at either the construction or operational phases of the development, details of such lighting including measures to prevent light spillage, shall be submitted to and approved in writing by the Local Planning Authority. Any such external lighting as approved shall be installed in accordance with the approved details and shall be retained as such for the lifetime of the development.

**REASON** – To minimise possible light pollution in the interests of visual and residential amenity

27. Prior to the commencement of the development hereby approved, pre-construction survey checks shall be undertaken for the presence of badgers and water voles, and the results of the survey and any necessary mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures shall be implemented in full.

**REASON** - To ensure any impacts on protected species can be appropriately mitigated.

**PA41 OBJECTION TO TREE PRESERVATION ORDER NUMBER 2022 NO. 8 - 23 MERRYBENT, DARLINGTON**

The Chief Executive submitted a report (previously circulated) to advise members that an objection has been received in respect of Tree Preservation Order Number 2022 no.08. The

objection relates to this order which covers one mature Birch Tree (*Betula spp*) growing within the front garden.

The submitted report stated that Tree Preservation Order 2022 no. 08 was made on 15 September 2022 on one mature Birch Tree growing within the front garden of 23 Merrybent, Darlington, under powers derived from section 198(1) of the Town and Country Planning Act 1990. The Tree Preservation Order was made due to the possibility that the tree may at some point be damaged by unacceptable pruning. In the opinion of the Local Planning Authority it is considered expedient to protect the tree by the making of a Tree Preservation Order as due to its reasonable form and condition and location to the front of the property it contributes to the amenity of the surrounding area.

It was reported that an objection had been received from a neighbour at 21A Merrybent on the grounds that the tree to be protected is a single tree which is not considered to contribute to the overall visual amenity of this area and that there are many similar trees along in the vicinity of equal quality which are not protected; and that the placing of the order may hinder the objector's current planning appeal in respect of the erection of a garage to the front of their property.

**RESOLVED** – That the TPO be confirmed without modification.

#### **PA42 NOTIFICATION OF DECISION ON APPEALS**

The Chief Executive reported that the Inspectors appointed by the Secretary of State for the Environment had :-

Dismissed the appeal by Town & Country Advertising Limited against this Authority's decision to refuse permission to display 2no. illuminated LED sign boards at Land at former Dainton Stie, Yarm Road, Darlington DL1 4JN (22/00398/ADV).

Dismissed the appeal by Tim Paver against this Authority's decision to refuse permission to undertake work to trees protected by a Tree Preservation Order at Land at 20 Freville Grove, Darlington, DL3 9QN (21/01208/TF).

Dismissed the appeal by Ms P Fletcher against this Authority's decision to refuse permission for the construction of one 2 bedroom single storey dwelling and one 3 bedroom two storey dwelling at 87 Barmpton Lane, Darlington, DL1 3HG (20/01126/FUL).

**RESOLVED** – That the report be received.

#### **PA43 NOTIFICATION OF APPEALS**

The Chief Executive reported that :-

Mrs Claire Greenall had appealed against this Authority's decision to refuse permission for the erection of 1.8m fence to side and rear of the property at 43 Paton Way, Darlington, DL1 1LP (22/00456/FUL).

**RESOLVED** – That the report be received.

**PA44 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA45 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 27 OCTOBER 2022 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA35/Oct/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 27 October 2022.

**RESOLVED** - That the report be noted.