

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 July 2023

APPLICATION REF. NO:	22/00875/FUL
STATUTORY DECISION DATE:	28 th October 2022 (EOT 14 th July 2023)
WARD/PARISH:	HURWORTH
LOCATION:	Dinsdale Golf Club Neasham Road Brass Castle MIDDLETON ST GEORGE DARLINGTON DL2 1DW
DESCRIPTION:	Infilling of topographical depression with inert construction waste on land at 18th hole and formation of a bund around existing driving range (part retrospective) (Additional information received 28th February 2023 and 2 nd March 2023)
APPLICANT:	DINSDALE GOLF CLUB

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RG5CD7FPN5200>

APPLICATION AND SITE DESCRIPTION

1. The application site is Dinsdale Golf Club, situated on the eastern side of Neasham Road between Neasham and Middleton St George. The application relates to two distinct areas within the Golf Course Grounds.
2. Part of the application relates to proposed development within the area of the driving range. In September 2020, planning permission was granted for a driving range and associated building to include a teaching studio, to the south side of the site adjacent to the car park at the front of the site with the range area lying to the south of the range

building (20/00270/FUL). A copse of trees lies on the southern edge of the range field which is identified in the Local Plan as a Local Wildlife site. Along the edges of the range field are lines of hedging, separating the range field from the main golf course area and the public highway.

3. The other part of the site area that this application relates to is the area of the golf course at the 18th hole. This sits some 300m to the northeast of the club house towards the northern boundary of the Golf Club. To the north of the site lies a private road and public footpath. The depressions within this area are not regularly shaped and are less than 2m deep. Stoned pathways run around the eastern and southern edges of the area, being free draining and designed to accommodate golf buggies. A small timber hut lies within the affected area which previously used to be used for shelter on the course. It is no longer in use and would be removed as part of these proposals.
4. This application seeks planning permission for two separate projects on the Golf Course site:
 - a) The infilling of a void on the surface of the Golf Course near the 18th hole; and
 - b) The creation of a bund around the existing driving range.
5. The application states that project (a) is retrospective in part as some parts of the existing surface water drainage have had their inspection covers raised to the proposed new levels adjacent to the 18th hole. The application confirms that the works were begun during lockdown without an appreciation of the need for permission for such engineering works and work was ceased once contact was made with the planning department. The application states that the two proposals are unrelated and would be carried out independently of each other.
6. In respect of project (a) the proposed infilling of the void on the surface of the golf course on and around the 18th hole would be carried out using locally derived clays from construction projects and once completed the area would be re-profiled, topsoiled and seeded to match the golf course. No trees or hedges would be affected by the proposals which the application states relate to course improvements sought by members as part of the ongoing investment and improvements at the club.
7. In respect of project (b), the application states that the driving range field, being flat with no physical boundary, suffers from confident golfers being able to hit their balls off the field and into the surrounding woodland and hedging. The proposed development involves the creation of an earth bund of some 4m in height around three sides of the field. The base of the bund would be some 9m wide arranged in a U shape with the open end facing the driving range building. The existing surface water drainage system installed in the field would be unaffected by the proposals.
8. The bund would be constructed out of clay, which the application confirms would be derived from local construction projects and topsoiled with seeding. Within the bund it is intended to create hibernacula for the site's Great Crested Newt population to help

with over wintering. The bund would be inset inside all existing vegetation around the field and would not affect any of the surrounding trees and hedging. Notwithstanding this, the application confirms that Dinsdale Golf Course have planted a significant number of new trees and hedging on the site as part of the recent and ongoing refurbishment program. Additional planting is also proposed as part of these proposals. The western side, adjacent to the highway would have a greater inset of approximately 20m from the existing hedging which is more established in this area. The bund will prevent the possibility of balls straying off the driving range and affecting either the adjacent highway or users of the main course.

9. As background, the application states the following:

‘Dinsdale Golf Club became privately owned under the current applicant in 2018, since then it has embarked upon a successful programme of investment and redevelopment to attract new members to the club and turn around the fortunes of the club. The present proposals are two small parts of that continued investment, seeking to improve the operation of the newly constructed driving range and to further develop the course by smoothing out the topography to provide a course that’s safe and accessible to all’.

‘The proposed development will support an existing rural business which gives employment to local workers in an area where such opportunities are otherwise limited. Furthermore, it will provide a productive and beneficial place for clay from local construction projects in nearby villages to be deposited. It will make the course safer to play for those with ambulant challenges, by removing voids on the course which are not compatible with modern players, many of whom make use of buggies to get around on the course because of mobility issues.

MAIN PLANNING ISSUES

10. The relevant issues to be considered in the determination of this application are:

- (a) Principle of the proposed development
- (b) Impact on Visual amenity
- (c) Impact on residential amenity
- (d) Highway safety
- (e) Impact on Public Rights of Way
- (f) Biodiversity
- (g) Flood Risk

PLANNING POLICIES

11. The following policies are relevant in the determination of this application:

- Policy SD1 reaffirms the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF).

- Policy DC1 requires good design to create attractive and desirable places, including a requirement that the proposal reflects the local environment and creates an individual sense of place; takes account of the need to safeguard or enhance important views and vistas, that any associated landscaping has been developed to enhance both the natural and built environment retaining existing features of interest, and that the proposal provides safe and suitable vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4.
- DC2 requires that all development proposals will be expected to be designed to mitigate and adapt to climate change.
- DC3 encourages development that supports improvements to health and wellbeing.
- DC4 requires new development to be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings.
- E4 supports the sustainable growth and expansion of all types of business located in the open countryside.
- ENV3 seeks to protect and improve the character and local distinctiveness of the urban area, villages and rural area.
- Developments will be expected to minimise the impact on, and provide net gains for, biodiversity, including establishing coherent and resilient ecological networks (Policy ENV7) with the relevant measures that should be applied for assessing this set out in Policy ENV8. ENV7 states that development likely to result in significant harm to a local wildlife site should be avoided.

RESULTS OF TECHNICAL CONSULTATION

12. No objections in principle have been raised by the Council's Highway Engineer and Environmental Health Officer or the Local Lead Flood Authority, subject to conditions. The Environment Agency has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

13. Neasham Parish Council has objected to the application on the following grounds:

- Lack of information on the materials (inert construction waste) already on the site.
- Ecological and environmental impact.
- Heavy traffic; Highway safety; no information on mitigation.

14. Middleton St George Parish Council has objected to the application on the following grounds.

- Ecological impact.
- Impact on residential amenity.
- Lack of information on inert materials.
- Highway impact; Local roads not suitable for HGV's; Severe congestion and increased hazards.

15. 16 No. individual objections have been received from residents, and these raise the following issues:

- Highway safety concerns; Concerns regarding number of lorries and potential accidents from material spillage; Potential 2,340 HGV movements
- Village already suffers from congestion.
- Danger to pedestrians and cyclists.
- Roads not suitable for HGV's and surface likely to worsen.
- When previous works were undertaken the roads were left muddy and dangerous.
- Concerns that the material used will be contaminated.
- Impact on biodiversity, flora and fauna.
- Impact on landscape.
- Impact on amenity.
- Carbon emissions from vehicles.
- Mounds contributing to flooding on the road.
- The golf club causes light pollution.
- Impact on covering existing water pipes.
- Concerns regarding accuracy of employment opportunities to be created.

16. 25 No. letters of support have been received, raising the following points:

- Being developed to become one of the area's top golf courses; Significant investment is and has been made; Restaurant is also being enjoyed by golfers and members of the public; Membership continues to grow.
- Economic benefits and employment opportunities.
- Not completing the driving range will result in members going elsewhere.
- Having a profitable golf club is good for the area who utilise other local services.
- Enhance the playability of the course.
- Other works have included removal of dead trees and additional planting.
- Bund will further increase biodiversity and retain landscape.
- Proposals will make the area safer.
- Health benefits of allowing the growth and development of the facility.
- Long term sustainability outweighs increase in traffic in the short term.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

17. The proposal relates to an existing rural business for which policy E4 supports proposals for sustainable growth and expansion of, subject to proposals being sensitive to their surroundings, providing satisfactory access and not having an unacceptable impact on the local road network.

18. The proposal relates to the continued investment in the club, which seek to improve the operation of the driving range, and to smooth out part of the existing course for safety and accessibility.
19. In view of the above the proposal is considered to be acceptable in principle, subject to consideration of the relevant development management issues set out below.

b) Impact on Visual Amenity

20. In terms of project (a) the infilling of a void on the surface of the Golf Course near the 18th hole, this will have very limited visual impact at site level or beyond due to its location in a discrete section of the existing course and being seen in the context of existing features. This proposal will result in the removal of a small timber hut which was previously used for shelter on the course but is no longer in use.
21. Project (b) the creation of a bund around the existing driving range will be more visually apparent, however the main views would be from within the golf course. The bund would be visible from Neasham Road when passing on the highway, however this would be more apparent at the point of the road at the main entrance of the club due to the presence of mature trees and hedgerows along the highway edge for the majority of the remainder of the Neasham Road boundary of the site. Furthermore, being part of the new driving range, and associated development, this is very closely related to the built features of the club, including the clubhouse and driving range building and would be seen in the context of these existing features, which are a small and contained portion of the overall site. Visual impact will be further mitigated by seeding of the bunds and the associated landscaping scheme which includes further tree planting.
22. In view of the above, the proposal is considered to be acceptable in respect of its impact on the visual amenities of the locality and complies with policies DC1, ENV3 and E4 in this regard.

c) Impact on residential amenity

23. The physical proposals to the site are sufficiently distant from residential properties so as to not have a discernible impact on residential amenity in the long-term. The Environmental Health Officer has raised no objections but has recommended a planning condition to require submission and agreement of a Construction Management Plan (CMP) and for the standard construction / delivery times condition to be attached to any permission.
24. In terms of potential contamination, there is no information at this stage as to the source of the material to be deposited on the site however the application states that only inert material will be deposited, and a condition is recommended to require this. The development will be subject to control under the Agency's Waste Management Licensing Regulations and an informative should be included as part of any approval.

25. In view of the above, the proposed development is considered acceptable in terms of its impact on residential amenity subject to the conditions specified and is therefore in accordance with Policy DC4 in this regard.

d) Highway safety

26. The supporting information states that the work will be undertaken using inert imported construction waste, however the Highways Engineer has noted that it is difficult to quantify the amount/tonnage of material to be imported on to the site and hence the number and frequency of vehicle movements that are likely to be generated. As such, further information was sought regarding these issues.

27. The Highways Engineer has also noted that routes to the site are limited to roads which pass through local villages, where HGV movements are best avoided where possible. In this instance however this is not possible, and vehicles routed north will need to pass through Middleton St George or otherwise south via Neasham and Hurworth.

28. The applicant was therefore asked to confirm the predicted number of vehicle movements associated with the development as well as details of routes to site. Information on the expected duration of works was also requested along with the expected type and number of vehicles needed to visit the site during construction. Details of a robust means of wheel washing was also requested along with a regime of inspection and cleansing of the local highway network to mitigate and address any deposits of mud or other materials on the public highway.

29. In respect of the above, the agent has confirmed that at this stage, there is no specifically identified sourcing of material. This is not an uncommon scenario. They have noted that there are a significant number of housing and other development projects taking place in the surrounding villages and within the town within a 10-mile radius and the applicant is confident that there will be sufficient local sources of clean topsoil to form the bunds around the driving range and infill the hollow next to the 18th hole. The agent has also highlighted the following:

'Until such times as we have secured planning permission for the project, it is not possible to enter into any contractual arrangement regarding precise details. I am sure you can appreciate the practicalities on this point. We would observe that the road haulage costs associated with the shipment of topsoil and other similar material are the key determining factors to sourcing arrangements. It is impractical to move topsoil etc over any significant distances and therefore we are sure that our material will be obtained from local projects'.

'We appreciate that during the short term of construction of the bunds etc, there is the potential for disruption to take place. We would wish to work with the Council and the local community to make sure that this is minimised. The Council will appreciate that the material we are sourcing is already likely to be moved locally – it represents the risings from approved construction projects, rather than new trip generation directly linked with our site. We are simply taking away spoil from already approved construction

projects. It is not therefore necessary to go into the trip generation in significant detail although we would expect a number of matters to be addressed specifically by condition to minimise the potential nuisance to local residents.

'Firstly, we would wish to reassure residents that movements will be restricted, and we envisage no movement until after 08.00 hours Monday to Friday and no movement after 18.00 hours similar days. There should be no movements on Saturdays, Sundays or Bank Holidays in the usual manner of all considerate contractor schemes. We would also expect there to be the need for wheel wash facilities on site if necessary to prevent any mud on the road, although the LPA will appreciate that there is little potential for this, given that the vehicles are coming from sites and the material is not being generated from the site itself. The material would simply be deposited on the site via road going HGVs and would be moved around on site by plant that are retained on site for the life of the project and taken off the site on HGV loaders at the end of the project having been suitably cleaned down on site. The potential for mud on the road is therefore extremely limited. In the unlikely event that any takes place, we would of course have contracts in place with road sweeping companies, a number of whom already support local development projects.

In terms of total vehicle movements, the amount of filled material is approximately 31,000m³. We estimate that this will take somewhere in the region of 1800-2000 lorry loads depending upon the nature of the fill/weight of material. Without knowing the specific details of the capacity of haulage companies etc, we envisage that the project might have an active phase of circa 4-6 months from start to finish in terms of materials being deposited on site. Obviously, the bund needs to be correctly formed, impacted and landscaped and there may well be activities taking place outside of the simple bulk shipment phase of the scheme. The applicant would very much like to complete the works during the drier summer months to minimise potential nuisance of mud tracking. The applicant would like to point out that if the bund is not consented, then alternative measures would have to be put in place to prevent golf balls straying off the driving range and this would most likely take the form of steel mesh fencing, erected as P.D (permitted development). This is not what the applicants wants to see on the site, and this has no benefit to on-site biodiversity, but would be the necessary fall-back position they would have to adopt'.

30. The supporting statement above estimates that the amount of imported filled material is approximately 31,000m³. This would equate to approximately 49600 Tonnes of material, which would require 2480 loads based on a 20tonne capacity tipper truck. The application confirms that working hours are to be limited to a 10-hour working day 08.00 hours Monday to Friday and no movement after 18.00 hours similar days. There should be no movements on Saturdays, Sundays or Bank Holidays. The applicant estimates the total period of works to be between a 4 – 6-month period. To use a 5-month construction period as a medium average (5 working days x 5 months) this equates to 100 working days each of 10 hours. This therefore equates to 2480 loads averaging 24.8 movements per day, or 2.5 vehicle movements per hour.

31. Whilst it is noted that some objections raise concerns with increased construction traffic at morning and afternoon school time peaks, it is important to note that a 7.5 tonne Environmental Weight limit is in place to protect the safety and amenity of residents within Middleton St George. The limit extends from a point approximately 50m west of Pounteys Close on Neasham Rd and includes the village centre, with the limit to the north of the village commencing at The A67/Station Rd junction, Sadberge Rd/A67 Roundabout, and on Killinghall Row just west of The Beeches. The latter being strategically placed in order to enable access to the nearby haulage depot but prohibit movements through the village.
32. It is therefore important to understand that vehicles exceeding 7.5tonnes are prohibited from travelling though MSG village in order to access the golf course site, unlike large vehicles associated with the Grendon Gardens construction site, who are lawfully entering the restriction for purposes of access and not simply using a more direct route through the village centre as a convenient shortcut.
33. The Highways Inspector has confirmed that the concerns which objectors have raised related to mud on the highway are accurate and that a significant amount of material was spilt and tracked onto the highway when works were previously undertaken. Given that the source of the material is unknown, the Highways Engineer therefore considers it essential that a robust construction management plan is submitted and approved prior to commencement of any works or material movement to site. Where significant earthworks are proposed the focus must be on preventing mud or other material from becoming deposited on the public highway rather than relying on a reactive approach of sweeping and cleansing, because sufficient preventative measures were not secured. The exact requirements for wheel washing are ever changing owing to site conditions and weather, however robust measures must be secured to ensure that a repeat of previous incidents and complaints does not occur.
34. Based on anecdotal evidence, the previous operations at the golf club, using material from the Oak Meadows site, may have contravened the 7.5tonne weight limit. Whilst it is lawful to enter an environmental weight limit where no bridges or structures otherwise limit gross vehicle weight, there is an 'except for access' exception and as such it not lawful to drive through the village of MSG to gain access to the golf course as this is simply using it as a cut though. Reports have also been received that previously an agricultural vehicle was used for haulage purposes, using an unsuitable trailer which resulted in significant spillage of material on the highway. The location of the source material, routes to site and type of vehicle should therefore be confirmed prior to commencement of work or any material delivery to site.
35. Subject to the imposition of a planning condition requiring submission and agreement of a robust Construction Management Plan, it is considered that the concerns raised by both residents and the Highways Engineer can be satisfactorily addressed. The Highways Engineer has recommended wording for such a condition to ensure that it covers the relevant issues and concerns.

36. It should also be noted that whilst the above are valid concerns, they constitute the short-term construction impacts of the development in terms of highway impact, rather than any long-term highway impacts once the development is completed. It is considered that the proposed condition is proportionate to deal with these short-term impacts. In this context, the proposal is acceptable in respect of its impact on highway safety and complies with policy DC1, IN4 and E4 in this regard.

e) Impact on public right of way

37. There is a Public Footpath immediately to the east of the Driving Range - Low Dinsdale Footpath 11. It runs along the boundary but is separated from the driving range by a hedge. Whilst it is acknowledged that the works to project (b) the creation of a bund around the existing driving range, would be partially visible from the footpath, it would not hinder the use or appreciation of the footpath. The planting of trees as part of the proposed landscaping scheme dealt with elsewhere in this report, will also enhance the user experience.

38. The agent has provided the following additional information in terms of the wider network:

'The applicant would also wish officers and members to be aware that following discussions with officers last year, the applicants have carried out a programme of clearance on the line of the public right of way where it passes through woodland close to the Golf Course, as discussed and agreed to promote the active use of the footpath. Promoting the use of the footpath brings with it a responsibility to make sure that the footpath users are safe from any stray golf balls. As the Council will appreciate, it is in the Club's interest for the disruption to be kept to an absolute minimum and for the works to be carried out as efficiently as possible. In that respect, the concerns of local residents and the Club are mutually aligned, and we would subscribe to all considerate construction company practices in respect of the shipment and handling of such material.'

39. In all works, the Public Footpaths should remain open and fully available at all times and there should be no risk to members of the public using them, both during and post development. An informative to this effect is recommended to any permission granted. Overall, however, the proposed development would have no adverse impacts on Public Rights of Way.

f) Biodiversity

40. A Preliminary Ecological Appraisal (PEA) undertaken by Naturally Wild was submitted in support of the application. The PEA comprised two parts: a desktop study and a survey visit. The desktop study collated available public information regarding the biodiversity of the area, including the habitat structure of the site and surrounding area and the presence of any statutory or non-statutory designated sites. In addition, biological records within 1 km of the site were requested from the Environmental Records

Information Centre (ERIC). The survey visit consisted of an assessment of all habitats on site and in the surrounding area to determine their ecological value. The PEA concluded the following:

- The sites comprised amenity grassland, hedgerows, scattered trees, woodland, tall ruderal vegetation, and semi-improved grassland habitats.
- Overall, the site was deemed to be of low ecological value with the most valuable habitats being restricted to woodland, hedgerows, and tall ruderal along the boundary of the driving range survey area.
- The Driving range area was deemed of moderate value for badger foraging and sett creation.
- Reptile presence on site was deemed unlikely due to the exposure of the site and surrounding area.
- High suitability nesting space for birds was present within the woodland and hedgerow features.
- Additionally, high suitability roosting opportunities for bats were also noted within the woodland feature.
- Notwithstanding this, the potential impact to birds and bats was considered low as ecologically valuable features are expected to be retained.
- Two juvenile Great Crested Newt (GCN) individuals were located within habitats associated with the tall ruderal habitat of the driving range site and a pond close to the 18th hole. Due to the potential for harm to the local GCN population, A European Protected Species Licence (EPSL) or District Level Licence (DDL) from Natural England will be required to proceed with the proposed works.
- Due to the presence of records and suitable habitat for UK Biodiversity Action Plan (BAP) priority species within the site boundary, mitigation will be required during clearance works.

41. Following the site assessment and in review of the findings, a series of ecological mitigation, compensation and enhancement measures were recommended. These include the following:

- Application for a EPSL or DLL GCN licence.
- Mitigation for BAP species with a pre-start badger survey.
- removal of Invasive non-native species (INNS) in accordance with recommended guidelines.
- installation of Heras fencing around mature trees during construction works, supervision by an ECoW during clearance works, covering any excavations overnight and the implementation of a sensitive lighting scheme. Full details are provided in Section 5. Providing the recommendations of this report are implemented in full, Naturally Wild would conclude that there will not be a significant impact to protected species or habitats as a result of the proposed.
- Excavations to be covered at night to prevent wildlife becoming trapped.

42. In addition to the above, and to further address the requirement for biodiversity net gain, a Net Gain Assessment and accompanying metric was submitted in support of the

application. The purpose of this was to undertake a biodiversity baseline calculation and biodiversity net gain calculation for the development. The calculation was conducted using the information gained during the desktop study and the preliminary ecological appraisal. Habitats on site were classified and condition scored to enable accurate data input for the biodiversity baseline calculation.

43. The biodiversity net gain calculation was conducted in conjunction with the landscaping and planting schedule information also submitted in support of the application. The landscaping scheme includes the planting of 16 trees and wildflower and grass seed planting. Whilst it was noted that parts of the golf course have a low baseline value for ecology mainly due to grass being mown short to allow golf balls to be identified and handled, the bund does not have to be mown as short and can also provide new habitat.
44. This assessment concluded that, with the measures set out in the PEA and the proposed landscaping scheme, the proposals result in a net gain in biodiversity of 13.46% habitat units and 2.36% hedgerow units.
45. In view of the above, subject to the implementation of the proposed landscaping alongside the recommendations of the PEA, the proposal is considered to result in a net gain to biodiversity and meets the requirements of policies ENV7 and ENV8.

g) Flood Risk

46. Whilst, as a golf course is considered water compatible development and therefore unaffected by potential flood, it should be noted that both parts of the site lie within Flood Zone 1 and are not at risk of fluvial flooding (flooding by rivers or water courses).
47. The Local Lead Flood Authority (LLFA) requested information to demonstrate that the proposed bund will not compromise surface water flows from the adjacent highway. In response, the applicant submitted a plan to show a French drain along the western edge of the bund, which would be connected to the wider golf course drainage and would capture surface water flows between the proposed bund and the adjacent highway. The LLFA considers this to be an acceptable solution and subject to a condition requiring compliance with this detail, raise no objections. In this context, the proposal complies with policy DC2 in this regard.
48. An issue raised by objection was the presence of a water supply pipe in the driving range field, and the additional pressure that the earth bunds would put on the pipes. Whilst the granting of planning permission does not give consent to build over pipes (this consent would be sought under a separate consent regime with Northumbrian Water) the agent has confirmed that the pipe in question has already been diverted around the periphery of the site at the expense of the Golf Course and in conjunction with Northumbrian Water.

THE PUBLIC SECTOR EQUALITY DUTY

49. In considering this application, the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

50. The proposed development involves continued investment in an existing rural business. It complies with the relevant policies in the development plan and subject to conditions is acceptable in respect of highway safety, visual amenity, residential amenity, flood risk and biodiversity.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)

A01 P04 Site Location Plan
A05 P03 Driving range plan
A03 - P01 18th Hole Proposed
2245.01 REV A Biodiversity Enhancement Plan

3. All works must be carried out in strict accordance with the following approved document; - Driving Range Plan Proposed, Drawing Number A05, Rev P03, Dated 12/06/2022.

REASON – To ensure that the development does not increase the risk of surface water flooding.

4. No material other than inert material shall be deposited at the site.

REASON - Other waste materials raise environmental and amenity issues that would require consideration afresh.

5. No construction 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, without the prior written permission of the Local Planning Authority.

REASON – In the interests of amenity.

6. No development or movement of materials to the development site must commence until a Construction Management Plan has been submitted to and approved in writing by

the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- i. details of any temporary construction access to the site including measures for removal following completion of construction works.
- ii. wheel and chassis underside washing facilities on the development site and where relevant the site material is to be sourced from, to ensure that mud and debris is not spread onto the adjacent public highway.
- iii. the parking of contractors' site operatives and visitor's vehicles.
- iv. areas for storage of plant and materials used in constructing the development clear of the highway.
- v. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- vi. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
- vii. protection of carriageway and footway users at all times during demolition and construction.
- viii. details of site working hours.
- ix. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- x. measures to control and monitor construction noise.
- xi. a detailed method statement and programme for the building works; and
- xii. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

REASON – In the interest of public safety and amenity

7. The landscaping scheme (drawing number 2245.01A) shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

8. The development shall not be carried out otherwise than in accordance with the mitigation, compensation and enhancement measures set out in the submitted Ecological Impact Assessment 'Dinsdale Golf Club Darlington DSG-22-01 (Naturally Wild April 2022) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, Policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.

INFORMATIVES

ENVIRONMENT AGENCY

Environmental Protection (Duty of Care) Regulations-advice to applicant The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf

If you need to register as a carrier of waste, please follow the instructions here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>

Use of waste materials on site (waste permit/exemption maybe required)- advice to applicant If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

Deposits of waste to land A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidancethe-waste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste> Use of materials non-waste activities are not regulated by us (i.e., activities carried out under the CL: AIRE Code

of Practice), however you will need to decide if materials meet End of Waste or By Products criteria (as defined by the Waste Framework Directive).

The 'Is it waste' tool, allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-byproducts-and-end-of-waste-tests>

CL: AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP) guidance can be found via the following link: <http://www.claire.co.uk/projectsand-initiatives/dow-cop/28-framework-and-guidance/111-dow-cop-maindocument>

The DoW CoP sets out the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste. These are based on four factors: • Protection of human health and the environment (acceptable risk assessment of pollution) • Suitability for use without further treatment (no further processing and/or treatment, as demonstrated by a specification and a site specific risk assessment including chemical, geotechnical properties and biological aspects); • Certainty of Use (outlined in the Remediation Strategy and Material Management Plan); • Quantity of Material (outlined in the Remediation Strategy and Material Management Plan); and

To demonstrate the factors a Materials Management Plan (MMP) needs to be produced to ensure all factors are considered and the correct determination is made. A Verification Plan needs to be set out in the MMP and must identify the recording method of materials being placed, as well as the quantity of materials to be used. It should also contain a statement on how the use of the materials relate to the remediation or design objectives.

In general, any material that has to be treated in order to render it suitable for its intended use is considered to be a waste and waste controls apply.

If you require any local advice or guidance, please contact your local Environment Agency office: Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR, Telephone: 0370 850 6506.

Public Rights of Way

In all works, the Public Footpaths should always remain open and fully available and there should be no risk to members of the public using them, both during and post development.

