**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 5 March 2025**

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| **APPLICATION REF. NO:** | 24/01047/FULE |
| **STATUTORY DECISION DATE:** | 30 January 2025 (extension of time agreement until 28 February 2025) |
| **WARD/PARISH:** | SADBERGE AND MIDDLETON ST GEORGE |
| **LOCATION:** | Proposed New NWL Water Main, Ketton Lane, Darlington |
| **DESCRIPTION:** | Installation of below ground pipeline from Dyance Beck to Long Newton Service Reservoir and associated works, including temporary construction compounds and temporary bridge, pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures (cross boundary application with Stockton Borough Council) (additional plan and long section drawings received 5th December 2024 and visibility splay drawing, response to National Highways objection received 18th December 2024 and additional information in response to objections received 21st January 2025) |
| **APPLICANT:** | Northumbrian Water Ltd |

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**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=summary&keyVal=SLX0FIFPG2E00**

**APPLICATION AND SITE DESCRIPTION**

1. Planning permission is sought for the development of a new Strategic Trunk Main Pipeline (STMP) connection and associated works between Gainford and Long Newton Service Reservoirs (SR). It will connect to the first part of the STMP (approved by Durham County Council in 2022 and currently under construction) at Dyance Beck, to the north east of Gainford and to the south west of Summerhouse. It will involve the installation of a below ground drinking water pipeline from Dyance Beck to Long Newton Service Reservoir which is located to the west of Long Newton village within Stockton Borough Council's administrative area. Other associated works are also proposed including temporary construction compounds and temporary bridge, a pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures. A duplicate planning application has been submitted to Stockton Borough Council for consideration.

2. The application site extends to approximately 213.15 hectares and mainly comprises agricultural land as well as passing over a number of roads and watercourses. The route travels in a western to eastern direction and is approximately 21km in length. It passes to the north of Darlington, crossing the A68, A1(M) and A167 roads, the Tees Valley Railway (TVR), the East Coast Main Line Railway (ECML) and the River Skerne. The vast majority of the site comprises the route of the pipeline itself, although the application boundary also includes areas for the associated works. For the purposes of describing the site the route of the pipeline can be broken down into three sections.

Section 1 (Dyance Beck to A1(M))

3. Section 1 will be approximately 10km in length, mainly comprising of agricultural fields, interspersed by hedgerows and single-track farm roads. Travelling eastwards from Dyance Beck, the site crosses the B6275 (Dere Street), either side of which satellite compound areas will be accommodated. The site continues eastwards and crosses the B6279 and Walworth Road, with the Grade I listed Walworth Castle approximately 300m to the north. The site widens to include agricultural land on either side of Newton Lane and Back Lane for use as Logistics (Material Laydown) Areas.

4. The site then follows a series of agricultural fields before reaching and crossing the A68. An area of agricultural land directly west of the A68 is included in the site for use as the main site compound. To the east of the A68, south of Burtree Lane and adjacent to Kimberley Caravans and the Burtree Inn Public House, the site widens to include land for use as a tunnel compound and lagoon compound. To the east, the site travels alongside Burtree Lane and crosses the A1(M).

Section 2 (A1(M) to Barmpton)

5. Section 2 encompasses the route of the pipeline from the east of the A1(M) to Barmpton and is approximately 6km in length. The route of the site in this section mainly follows an easterly direction before heading south towards Barmpton and mainly comprises a series of agricultural fields and hedgerows as well as crossing the TVR line, the River Skerne, and the ECML.

6. The route of the STMP travels along Burtree Lane from the A1(M) to the west of Whessoe Farm before diverting slightly north of the road. It immediately diverts in a north-east

direction, crossing the TVR line, crossing Patches Lane and then splitting into 2 directions, one of which travels to Beaumont Hill Service Reservoir, and the other in a north-easterly direction, crossing agricultural fields and the A167 towards the ECML railway. Beyond the A167 the site crosses the River Skerne and the ECML and then travels eastwards across fields to the north of Skerningham Community Woodland. The site then continues directly south towards Barmpton and heads east to the north east of Cheesbrough Farm, Barmpton Lane.

7. Section 2 includes areas to allow for the provision of compounds at the following locations:

    a. To the east of the TVR to allow for a tunnel compound, a material laydown area and two lagoon compounds;
    b. To the south, west and east of the A167 to allow for a tunnel compound and satellite compound; and
    c. To the east and west of the ECML to allow for tunnel and lagoon compounds

Section 3 (Barmpton to Long Newton

8. Section 3 runs from Barmpton to Long Newton Service Reservoir (SR) and is approximately 5.5km in length. The site runs in a south easterly direction and once again comprises mainly agricultural field and crosses hedgerows, watercourses, and a number of roads and farm access tracks. This section of the site crosses Bishopton Lane, Carcut Beck, Hill House Lane and Norton Back Lane, to the north of Sadberge. The site continues in a south east direction between the A66 and Newton Grange Farm towards Long Newton SR. A narrow spur adjacent to the A66 and slip road to accommodate a temporary access track is included within the site at its eastern end.

9. Section 3 also includes areas to allow for the provision of compounds at the following locations:

    a. To the north of Barmpton to allow for a lagoon compound;
    b. To the east and west of Bishopton Lane to allow for a satellite compound and a material laydown area;
    c. To the west of Hill House Lane to allow for a material laydown area;
    d. To the east of Norton Back Lane and north of Stockton Road to allow for a satellite compound and access to it; and
    e. To the north of the A66 and south of Long Newton SR to allow for a material laydown area and lagoon compound.

10. The site is within a sensitive area as defined by the 2017 EIA Regulations (as amended) due to the presence of Ketton Bridge Scheduled Monument (SM) within section 2 of the site. In terms of designated heritage assets within the site, Ketton Packhorse Bridge, which is Grade II listed and is associated with the Ketton Bridge SM, is within Section 2 of the site. Part of Section 3 of the site falls within the Sadberge Conservation Area. Walworth Castle (Grade I listed) and parts of Sadberge Conservation Area are also located adjacent to the site boundary adjacent to Sections 1 and 3 respectively.

11. The site crosses a number of becks, streams and the River Skerne. Most of the site falls within Flood Zone 1, although parts of the site (5 no. in total) are within Flood Zones 2 and 3.

12. There are two Sites of Scientific Interest (SSSI) within 2km of the site; Redcar Fields SSSI approximately 1km to the north and Newton Ketton Meadow SSSI approximately 1.5km to the north. Drinkfield Marsh Local Nature Reserve (LNR) is located approximately 1km to the south of the site. There are no other statutory designated ecological sites within 2km of the site. There are twelve non-statutory designated Local Wildlife Sites (LWS) within 2km of the site.

13. Access to the majority of the site is limited due to its nature and location, however parts of it are publicly accessible, particularly where it crosses roads and public rights of way. Sections 1, 2 and 3 of the site cross a number of rights of way, and further detail and consideration of this is set out in the Traffic and Transport Chapter (Chapter G) of the ES.

14. The majority of the area immediately surrounding the site is rural and agricultural in nature, however it does lie within the vicinity of the following residential areas:

    a. Summerhouse, Denton and Walworth are located approximately 900m, 700m and 250m to the north of Section 1 of the pipeline respectively;
    b. Beaumont Hill is located approximately 200m to the south of Section 2 of the pipeline route;
    c. Barmpton is located approximately 350m to the south of Section 2 of the pipeline route;
    d. The northern edge of Darlington, including West Park, Harrowgate Hill and Whinfield are located approximately 1km to the south of Section 2 of the pipeline route; and
    e. Sadberge is located approximately 120m to the south-west of Section 3 of the pipeline route.

15. The main element of the proposed development is the STMP, which will be a permanent structure located mainly underground to carry potable water, i.e. clean drinking water. There are however a number of other components to the proposed development some of which are temporary in nature. The main elements of the proposed development are set out below:

<u>Permanent elements of the proposed development</u>

16. *Strategic Trunk Main Pipeline (STMP)* – The STMP is a new pipeline which will form part of the strategic water supply network, which will be primarily located underground. It will be approximately 21km in length and for the most part 800mm in diameter, although will be 900mm from Beaumont Hill SR to the River Skerne. Where is below ground, it will be set within a granular bed and surround as appropriate within a below ground trench which will vary in width. Where the pipeline is 900mm, the trench will be 1300mm wide and where the pipeline is 800mm, the trench will be 1200mm wide. The depth of the

trench will vary from approximately 1.8m - 4.5m below ground level depending on its location and will be set deeper when sited underneath roads than when sited underneath fields. It is anticipated that the STMP will be of a steel material, although Ductile Iron is another possibility, to be determined once a contractor is appointed.

17. *River Skerne Crossing* – The STMP will cross the River Skerne by way of a pipe bridge consisting of a single 900mm pipeline above and across the River Skerne. The height of pipe bridge would be set at 1200mm above the 1:100 flood level to allow for climate change and freeboard. Concrete abutments will be embedded in the ground at either end of the pipe bridge and will be visible at surface level to support the pipe as it rises from its underground position. A 3m high security fence will surround both ends of the pipe bridge, as required by the Water Industry Act 1991.

18. *East Coast Main Line (ECML) and Tees Valley Railway (TVR) track crossings* – the STMP will cross the ECML and TVR by way of undertrack crossings. These will each take the form of a 1.8m diameter tunnel containing twin 700mm pipelines. The tunnels will be constructed with two shafts either side of the relevant rail line and will have above ground chambers either side to enable either pipeline to be isolated if necessary. It is anticipated that the tunnels will be at a depth of 15m below ground level, although is subject to minor changes following discussions with Network Rail and ground investigations. The tunnel under the ECML is anticipated to be 75m in length, while the tunnel under the TVR is expected to be 106m in length.

19. *Strategic Connections* – The STMP will connect to the existing Northumbrian Water Limited (NWL) assets of Beaumont Hill SR and Long Newton SR. This will involve connecting the STMP directly into the SR cells with associated control valving, sample points, flow and condition monitoring.

20. *Ancillary Structures* – There may be a need for cathodic protection kiosks at some point along the route of the STMP. These are above ground structures of approximately 1m (width) x 1.3m (height) x 300mm (depth), although at this time it is unknown whether any, and if so, how many will be required. There may also be a requirement for kiosks at Beaumont Hill SR and Long Newton SR to house electrical items in a secure and weatherproof environment. The kiosks can vary in dimensions, dependent upon functionality and location, but would be approximately 2m wide, depth of between 0.8 and 1.8m and height of no more than 2.5m. They will have an external radio antenna up to 15m in height. The external material of the kiosks will be either steel or glass reinforced plastic, either green or black in colour.

<u>Temporary Elements of the Proposed Development</u>

21. These are temporary elements of the proposed development required during the construction and restoration phase. These features will be removed following completion of the construction phase and the land restored to its previous condition:

22. *The Working Corridor* – this is the strip of land required for the installation of the STMP and is anticipated to be 30 – 40m in width, although this will vary in some locations

depending on the volume of topsoil and sub-soil to be stored. The working corridor between the ECML and Bishopton Lane will be 50m wide to allow for the transportation of construction vehicles and materials required to install the tunnel under the ECML. The working tunnel will typically comprise a construction fence on either side, areas for the storage of stockpiled topsoil, a cut-off drain, the trench and a haul road,

23. The haul road will run alongside the route of the pipeline to allow construction vehicles to travel and work along the route. It will be of a width to allow for bi-directional traffic, although the design and construction specification will vary according to local ground conditions. Topsoil will be stored as necessary along the working corridor in linear mounds of a maximum height of 2m.

24. *Site Compounds and Welfare* – A number of compounds and welfare facilities are required during the construction and restoration phase of the proposed development, although full details of the precise location and design are unknown at this stage. Although approximate locations are provided with the application, as set out in the following paragraphs, it proposed that the precise location of each compound and lagoon would be secured by planning condition. At the end of the construction period all site compounds will be removed, and the land restored to its pre-commencement state.

25. The main site compound will be located to the west of the A68 at Burtree Gate and will be required for the duration of the construction period. This site will provide office and meeting accommodation for the principal contractors' staff and client representatives, as well as welfare facilities, car parking and a logistics area.

26. A total of 10 material laydown areas will be required to support the delivery of the materials necessary to construct each stretch of the proposed development. The principal use will be to receive and distribute pipework which will be delivered by articulated lorries. Turning circles will be provided at each area and the storage yard will comprise of a 25m x 35m hardstanding area which will allow stocking of 700m of pipe. Small welfare facilities will also be provided together with parking for 10 vehicles. The area will be enclosed with anti-climb fencing.

27. A number of dedicated satellite compound and logistics areas will be required for some of the strategic crossings at certain points along the route of the STMP as well as tunnel compound areas at each shaft location to enable the construction of the shafts and tunnelling works. Each will also have a lagoon area associated with it to manage any water arising from dewatering shafts if required.

28. *Lagoons* – a number of lagoon areas will be required along the route of the STMP which will be used to temporarily store water used to pressure test, disinfect and flush sections of the installed pipeline. Lagoons will be constructed towards the end of the construction period as they are required only for the commissioning process and once this has been completed the areas will be restored to their previous condition. Precise locations of the lagoons are not yet known, and similarly it is proposed that final details will be secured by planning condition.

29. *Temporary bridge* – during the construction and restoration phase a temporary vehicular bridge will be constructed over the River Skerne to enable the workforce to access area between the River Skerne and the ECML. This will be a bailey type bridge and will carry construction vehicles and plant required to construct the STMP to the east of the river and to undertake the tunnel works under the ECML. This will include a crane and wagons to import materials and export tunnel arisings. Upon completion of the construction works the bridge will be removed and the ground restored to its previous condition.

30. One new permanent vehicular access will be created to serve the proposed development. A new layby is proposed on Patches Lane to allow access to the control equipment at Beaumont Hill SR.

31. The proposed development includes the restoration of the vast majority of the site to its existing condition upon completion of the construction phase which would be secured by planning conditions. The construction and restoration phase of the proposed development is anticipated to last for a period of 39 months from June 2025 to September 2028. Construction will take place as a single phase of development with works on different elements of the proposed development, and on different stretches of the pipeline taking place concurrently, as set out in a high-level construction phasing plan submitted with the application. While this is an estimation of likely timescales in advance of the appointment of a contractor to carry out the works, a planning condition will require the submission of a detailed construction phasing plan should permission be granted.

32. The anticipated general construction working hours are 07:00 – 18:00 hours Monday to Friday, 07:00 – 14:00 hours on Saturdays with no working on Sundays, Bank or Public Holidays. The construction of the tunnels under the TVR, ECML, the A68 and the A167 require continuous construction working to enable safe and efficient operation of the tunnel boring machine, and such activities would therefore take place outside of these working hours which may involve 24 hour working on occasion.

**Statement of Community Involvement**

33. The applicant has undertaken pre-application public consultation in relation to the proposed development and the results of this have been provided in a Community Consultation Statement submitted with the application. The statement sets out that three public consultation events were undertaken, advertised by leaflet distribution and press release. The leaflet provided information on the proposals and advertised the consultation events.

34. A total of 19 no. individual responses were received using the feedback form (both at the consultation events and via the website). The statement sets out that the results of the questionnaire were positive with 88% of respondents agreeing with the investment by NWL to construct new strategic water pipelines; 81% of respondents agreed that the proposed new strategic pipelines will ensure NWL will continue to provide a service to customers; 86% of respondents agreed that the route of the new water pipeline had

been chosen to cause as little disruption as possible to the local road network and traffic; and 82% of respondents were in favour of the construction of the new pipeline.

35. A number of comments were made on specific issues, including those in relation to impact upon existing water supply and the local highway network from construction vehicles. The statement sets out that issues raised have all been considered and addressed in reports prepared to accompany the application.

**Environmental Impact Assessment**

36. The application is accompanied by an Environmental Statement (ES) as it is considered to be Environmental Impact Assessment (EIA) development having regard to the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). This report has taken into account the information contained in the ES, and information arising from statutory consultations and other responses.

**MAIN PLANNING ISSUES**

37. The main issues to be considered here are whether or not the development is acceptable in the following terms:

(a) Principle of Development
(b) Landscape and Visual Impact
(c) Residential Amenity
(d) Contaminated Land
(e) Access and Highway safety
(f) Public Rights of Way
(g) Ecology and Biodiversity Net Gain
(h) Agricultural Land and Soils
(i) Flooding and Drainage
(j) Designated and Non-Designated Heritage Assets
(k) Housing Allocations
(l) Minerals Safeguarding
(m) Cumulative Impact

**PLANNING POLICIES**

38. The following national and local planning policies are relevant to consideration of the application:

**Darlington Local Plan (2016 – 2036)**

SD1 – Presumption in Favour of Sustainable Development
DC1 - Sustainable Design Principles and Climate Change
DC2 – Flood Risk and Water Management
DC3 – Health and Wellbeing
DC4 – Safeguarding Amenity
H2 – Housing Allocations

H3 – Development Limits
ENV1 – Protecting, Enhancing and Promoting Darlington's Historic Environment
ENV2 – Stockton and Darlington Railway
ENV3 – Local Landscape Character
ENV4 – Green and Blue Infrastructure
ENV7 – Biodiversity and Geodiversity and Development
ENV8 – Assessing a Development's Impact on Biodiversity
IN1 – Delivering and Sustainable Transport Network
IN2 – Improving Access and Accessibility
IN3 – Transport Assessments and Travel Plans
IN5 – Airport Safety

**Tees Valley Joint Minerals and Waste Core Strategy DPD (adopted September 2011)**
MWC4 – Safeguarding of Minerals Resources from Sterilisation

**National Planning Policy Framework, 2024**

**RESULTS OF TECHNICAL CONSULTATION**

39. No objections in principle have been raised by the Council's Highway Engineer, Transport Planning Officer, Public Rights of Way Officer, Environmental Health Officer, Ecologist, Arboricultural Officer, or the Lead Local Flood Authority, subject to conditions.

40. Durham County Council Archaeology and the Council's Conservation consultant also raise no objection in principle subject to planning conditions. Historic England advise that they do not wish to comment on the application and defer consideration of the proposals to the Council's conservation and archaeological advisors. The Friends of the Stockton and Darlington Railway advise that the proposed Archaeological Management Plan should record and recover any item or feature of railway heritage significance associated with the excavation of the tunnel under the Tees Valley Railway.

41. National Highways raise no objection subject to a condition requiring the submission of a construction traffic management plan. Network Rail similarly raise no objection in principle subject to conditions and informatives relating to the pipeline route through operational railway land. Teesside International Airport raises no aerodrome safeguarding objection.

42. Natural England raise no objection. The Environment Agency raises no objection to the application subject to planning conditions relating to proposed in-channel and bank works and to protected species (water vole and otter).

43. The Health and Safety Executive (HSE) advise that the proposed development (an underground pipeline) is not relevant development on which to consult the HSE Land Use Planning Team as it would not lead to a material increase in the number of people within a consultation distance. The HSE LUP team therefore has no comment to make.

Northern Gas Network and Northern Powergrid confirm they have no objection to the proposal subject to condition.

44. Active Travel England do not wish to comment on the application.

45. Durham County Council as neighbouring authority raises no objection to the project. The wider benefits acknowledged during the approval of Phase 1, under implementation in Durham, are equally relevant for Phase 2 benefitting residents beyond the county.

46. Whessoe Parish Council raise no objection.

**RESULTS OF PUBLICITY AND NOTIFICATION**

47. Six letters of objection have been received which raise the following issues. A second letter of objection on behalf of two of the objectors has also been received and these further comments are also included in the list below:
    - *Impact of proposed development on agricultural land and soils*
    - *Evidence of damage experienced during Phase 1 of the pipeline development to drains, causing flooding, environmental impact, soil damage and contamination impacting upon agricultural businesses*
    - *Impact of wayleave/easement on potential for future development/building on farm holdings*
    - *No information provided on how 10% biodiversity net gains are to be achieved*
    - *Impact on delivery of housing forming part of the Skerningham Housing Allocation in this area*
    - *Sterilisation of future housing development sites*
    - *Ecological and environmental impact on the local area and the River Skerne*
    - *Adverse effects on local roads and traffic due to large machinery being used*
    - *Impacts on my property not fully disclosed in regard to the size of the proposed construction compound, length of time on site, installation of external pipeline and security fencing which will have a lasting detrimental effect on my land and views from my property*

48. One letter of representation has been received from the NFU which seeks clarification on matters such as field drainage, soils, pipe depth, construction either as part of the application or by planning condition to safeguard landowners.

**PLANNING ISSUES/ANALYSIS**

**(a) Principle of Development**

49. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework, 2024, supports the plan-led system providing that planning decisions should be "genuinely plan-led".

51. The proposed pipeline will largely be within the more rural parts of the Borough and therefore it is almost completely located outside of the Development Limits of settlements identified in Policy H3 of the Local Plan. The Local Plan is silent on the suitability of operational development such as this outside development limits. Policy DC1 of the Local Plan states that in such circumstances where there are no relevant development plan policies this Council will grant planning permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework taken as a whole.

52. The principle of this proposal is likely to be acceptable subject to it not being in conflict with any of the Local Plan policies relating to other matters such as biodiversity and ecology, heritage, flood risk, visual and residential amenity, green and blue infrastructure etc. which will be assessed in the following sections of this report. A very small section of the proposed pipeline is proposed to pass across part of the housing site allocation, Site 251 – Skerningham, identified in Policies H2 and H10. An outline planning application, 22/00146/OUT, is under consideration for the area of land to the west of the ECML at Beaumont Hill, and so it will need to be ensured that the pipeline will not significantly affect the delivery of this housing allocation site. This will be considered further elsewhere in this report.

**(b) Landscape and Visual Impact**

53. Local Plan Policy DC1 states that good design is required to create attractive and desirable places where people want to live, work and invest. Of particular relevance to the proposed development DC1(a) requires that an analysis of the constraints and opportunities of the site and the function of development informs the principles of design, including that the proposal has taken account of the need to safeguard or enhance importance views and vistas. The policy further sets out the importance of the layout of the proposal, associated green infrastructure and landscaping to be developed to complement and enhance the ecological function of the local area and character of the built environment, and that any associated landscaping scheme should be developed to enhance both the natural and built environment, retaining existing features of interest.

54. Local Plan Policy ENV3 requires that the character and local distinctiveness of the urban area, villages and rural area will be protected and improved by retaining the openness and green infrastructure. It continues that development should retain and enhance the length, continuity, biodiversity, amenity and heritage value or existing green corridors and historic routes, and that development that adjoins these corridors and routes should positively respond to landscape setting, conserve and enhance traditional landscape features, retain and support their connectivity, and protect and enhance their ecological and heritage value. This relates to existing green corridors in line with Policy ENV4 (in the case of this application this relates to the existing and proposed green corridor which follows the route of the River Skerne) and to the historic routes of the

Darlington/Middleton St George/A66/A67/Stockton corridor, which applies to this development. The policy also outlines that development should set out to retain and improve the special landscape, heritage and ecological qualities of urban and rural parklands (relevant to this application are the parklands at Walworth Castle and Hall Garth which fall within the 2km ES study area) and that development should protect and enhance the natural quality of the rural landscape, where appropriate, reinstating traditional natural and built features.

55. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, which seeks to assess the landscape and visual impact of the proposed development. The LVIA considers the proposed development in the context of the study area which includes the application site, comprising all compound and pipe laydown areas, lagoons and the working corridor for the new STMP, together with a 2km buffer beyond the site. There are several designations within the study area which are of note including Walworth Castle Hotel and surrounding rural parkland, Ulnaby Hall Farm and Thornton Hall, all of which are Grade I listed buildings; Summerhouse and Denton Conservation Areas; and various listed buildings, all located within the study area associated with Section 1 of the pipeline. Section 2 includes Newton Ketton Meadows and Redcar Fields SSSIs to the north of the site; former Stockton and Darlington Railway; Hall Garth (Grade II listed building) and surrounding rural parkland; Ketton Packhorse Bridge (Grade I listed building and a Scheduled Monument); Coatham Mundeville Conservation Area; and various listed buildings. Section 3 includes Sadberge Conservation Area and various listed buildings.

56. The study area also lies in or includes parts of the Natural England National Character Area 23: Tees Lowlands. The study area also falls within a number of landscape character areas (LCAs) as defined by the Darlington Landscape Character Assessment, December 2015.

57. The route alignment of the STMP has been designed to avoid tree and hedgerow loss as far as possible. However, some tree and hedgerow loss is unavoidable and will be mitigated for through compensatory planting. Replacement tree planting will be at a 3:1 ratio with appropriate bare-root whips of native species will be planted. New planting will avoid sites of exiting nature conservation value. Where post and wire fencing is lost or removed during construction, new hedgerow planting will be introduced where feasible. Specific details will be defined in the detailed design state to be secured by planning condition.

58. Upon completion of the construction works all temporary elements including site compounds, pipe laydown areas, and haul roads will be removed, and the land restored to its previous condition. The trench of the STMP will be backfilled and the land restored to its previous condition in terms of levels and habitats.

59. If replacement planting is not possible in the areas where vegetation is to be removed due to operational constraints, proposed mitigation measures include native woodland planting in appropriate areas, respecting field patterns and avoiding areas of nature

conservation or archaeological interest; hedgerows assessed as 'gappy' will be improved through additional planting of appropriate native species; and tree planting within existing hedgerows using appropriate native species and in suitable locations. The species, density, size and location of all replacement planting will be provided to align with this approach which would also be secured by planning condition.

60. In addition, a Framework Construction Environmental Management Plan (CEMP) has been submitted which includes measures or principles, to reduce adverse effects on landscape and visual amenity. These include lighting during the construction phase being designed to minimise light pollution during the hours of darkness and site fencing and hoarding around the construction sites being well maintained throughout the construction period. The measures in the Framework CEMP will be taken forward in a detailed CEMP to be secured by planning condition.

61. The construction and restoration phase is anticipated to last for a period of 39 months and is likely to be broken down into sub-phases of construction, as set out in the high-level anticipated construction phasing plan. Construction phasing is relevant to the assessment of landscape and visual effects in that the duration of the impacts is directly related to the length of the construction period. Details of the final phasing plan would be secured by condition.

62. The LVIA sets out an assessment of potential landscape and visual effects during the construction and restoration and operational phases. During the construction and restoration phase, the temporary elements of the proposed development (i.e. compounds, material laydown areas) and construction activities will be visible in the landscape. The impacts of this vary across the receptors, and in some cases will lead to new, sometime prominent, features being added to the landscape, and a temporary, partial alteration to the condition, tranquillity, and scenic quality of the receptor. The potential effects on the landscape receptors range from Negligible (Not Significant) to Major Adverse (Significant).

63. Those landscape receptors where a Moderate Adverse (Significant) or Major Adverse (Significant) effect is predicted during the construction phase include Landscape Character Area (LCA) 3 - Denton and Walworth Farmland; LCA4 – Whessoe and Dene Beck; LCA5 – Upper Skerne Valley; LCA7 – Bishopton Vale; LCA8 – Middleton Farmland; LCA – West Stockton Rural Fringe (within Stockton BC). In all cases, this effect reduces to Minor Adverse (Not Significant) in Year 1 during operation, and to Negligible (Not Significant) at Year 15 once the proposed mitigation has matured and signs of disturbance resulting from construction activities is no longer apparent.

64. During the construction and restoration phases of the proposed development, the scale of impact on identified visual receptors will vary, and in some cases the works will result in substantial changes that are incongruous with the existing views. The potential effects on the visual receptors range from Minor Adverse (Not Significant) to Major Adverse (Significant). Significant effects (Moderate and Major Adverse) are predicted at a total of 24 out of the 28 visual receptors assessed, which include recreational users of the public

rights of way network, residents of individual properties/farmsteads and villages, and road users.

65. At all but one of these receptors the effect would reduce to Minor Adverse (Not Significant) in Year 1 of the operational phase and to Negligible (Not Significant) in Year 15 as mitigation matures. A Moderate Adverse (Significant) effect would remain at Receptor 19 (Recreational users of Brafferton Bridleway No. 1, looking south) due to the presence of the pipe bridge over the River Skerne which will be a permanent feature close to this receptor point. The effect will however reduce to Minor Adverse (Not Significant) in Year 15 as the proposed mitigation matures, although the pipe bridge will remain a permanent feature in views. The impact of the proposed pipe bridge and security fencing upon an individual property, Little Acres, Ketton Lane, has been raised by objection. This will be considered in the residential amenity section of this report.

66. The effects of the development would be temporary for varying durations over the course of the construction period. The embedded mitigation would ensure that effects reduce over time and assimilate the development into the local area such that no significant landscape and visual effects will remain during the operational period. As such, the proposed development would not cause unacceptable harm to the character, quality or distinctiveness of the landscape or to important features or views once the development is complete and the restoration phase has been implemented.

67. Subject to the mitigation measures set out in the Construction Environmental Management Plan and the implementation of the Landscape and Environmental Management Plan both of which would be secured by condition, the impacts of the proposal upon the landscape are considered to be acceptable and the proposal is therefore considered to meet the requirements of Local Plan Policies DC1 and ENV3 in this regard.

**(c) Residential Amenity**

68. Local Plan Policy DC3 states that all new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to incorporate measures to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions or all existing and future occupants of land and buildings, the character and appearance of the surrounding area and the landscape. The policy also requires that a Health Impact Assessment (HIA) be submitted with all major planning applications to explain how health considerations have informed the design of the development. A HIA has been submitted with the application which follows the Council's HIA guidance.

69. Policy DC4 requires that new development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. New development will be supported where it suitably located and is acceptable in terms of privacy and overlooking; access to sunlight and daylight; and visual dominance and overbearing effects in relating to the

form of built development. In terms of the use of land and buildings, including traffic movements and hours of operation, new development will be assessed in terms of noise and disturbance; artificial lighting; vibration; emissions from odour, fumes, smoke, dust, etc; and commercial waste.

70. The Environmental Statement considers the impact of the proposed development in terms of noise and vibration. There are no anticipated noise or vibration effects during the operational phase of the proposed development since this will only entail maintenance visits and any required maintenance works which are to be minimal, and this has been scoped out.

71. Noise and vibration associated with the construction phase of the development only has therefore been considered, following the guidance in BS5228—1:2009+A1:2014 (ABC method for construction noise and peak particle velocity (PPV) for vibration) relating to the assessment of effects at closest NSRs (noise and vibration sensitive receptors). Construction traffic noise has been assessed in accordance with the methodology in DMRB $LA_{111}$ (2020). In order to align the assessment of significance with the guidance in the Noise Policy Statement for England values of LOAEL (lowest observed adverse effect level) and SOAEL (significant observed adverse effect level) for construction noise and vibration have been defined.

72. Although the route of the STMP runs predominantly across agricultural land, excluding the urban area of Darlington, a total of 33 no. sensitive receptor locations have been identified and considered in the assessment. These are mainly residential properties, predominantly on relatively rural farmsteads, and also includes two non-residential receptor locations.

73. Given the nature of the proposed works there are various compounds proposed along the length of the development. The main compound is located north of the A1(M) and just west of the A68 (opposite Kimberley caravans). There will also be a series of satellite compound areas along the development, as well as material storage areas, lagoons and mobile welfare cabins. Noise sources relating to the development include, but are not limited to, noise from plant, general construction activities, shafts and tunnelling, as well as noise from construction compounds, material laydown areas and haul roads. The main vibration sources are expected to be associated with tunnelling works and use of vibratory rollers at road crossings.

74. Proposed works hours are to be between 07.00 – 18.00 Monday to Friday and 07.00 – 14.00 on a Saturday with no working on Sundays or Bank Holidays. This is with the exception of tunnelling works which is to take place 24/7 to enable safe and efficient operation of the tunnel boring machine. Tunnelling is required under the Tees Valley Railway, East Coast Mainline, A68 and A167 with 8 no. tunnelling compounds proposed in these areas. The proposed start time of 07.00 is earlier the Council's standard construction hours condition would allow (08.00). On this occasion, given the location(s) and nature of the development, and as any impacts will affect different receptors at different times and not for the entire duration of the works due to the phased nature of

the construction activities the Council's Environmental Health Officer has no issue with the proposed earlier start time. Furthermore, delaying the start time would influence the overall timescale for the completion of the works and duration of the impacts on some receptors.

75. The assessment concludes that temporary significant residual effects are anticipated at five receptors, even with the implementation of a temporary noise barriers, in relation to construction noise and one receptor in relation to construction vibration. A Construction Noise and Vibration Management Plan should be prepared (as part of a Construction Management Plan) to detail mitigation/measures to be implemented to minimise noise impacts as far as reasonably practicable, including the proposed temporary noise barriers. A Framework Construction Environmental Management Plan has been included with the application which outlines the broad principles that will be covered in a site-specific Construction Management Plan to be covered once a Principal Contractor has been appointed.

76. An objection has been received from the owner of a group of buildings known as Little Acres on Ketton Lane regarding the impact of proposed construction activities and the siting of a compound adjacent to these buildings. The objection also relates to long term visual impacts arising from the pipe bridge over the River Skerne and the associated security fencing and the impact this would have on the outlook and amenity from this property.

77. Little Acres currently comprises a group of farm buildings. A prior approval application, 23/00162/PA, for the conversion of some of these buildings to form 2 no. dwellings was granted in June 2023 although at present has not been implemented but remains extant until June 2026. A further planning application, 24/01079/FUL, for more extensive conversion, extension and alteration works to the buildings to form a single dwelling and annexe, remains undetermined.

78. This group of buildings has not been identified as a sensitive receptor for the purposes of the noise and visual impact assessments within the ES. The adjacent property, Ketton Lodge, some 200m to the west is however identified as a sensitive receptor in the noise and vibration assessment which provides an indication of likely impacts to both properties given the relative proximity of the pipeline and compound to both properties. It is proposed that a temporary site compound would be formed on land to the south of the buildings at Little Acres and there is the potential therefore for these properties, once converted and occupied, to be impacted by construction activities in terms of noise, nuisance, and disturbance and in terms of outlook from these properties during this phase of the development.

79. Given however that the extant prior approval has not been implemented, it is feasible that construction of the pipeline and conversion of the buildings to residential use could take place concurrently such that occupation of the dwellings may not occur until the construction of the pipeline is nearing completion or has been completed. There also

remains the possibility that the permission is not implemented in which case there would be no impact to this property.

80. Details of the layout of all temporary site compounds are the subject of a planning condition and require the approval of the Local Planning Authority, together with any mitigation measures necessary. In addition the phasing plan condition will require the applicant to identify which stages of the development will take place when such that the impacts of the construction phase will not be for the full duration of the construction phase along the entire route of the pipeline. These conditions will therefore allow for the layout of the compound to take account of whether or not work has commenced on the conversion of the buildings at Little Acres and how this would interact with this phase of the construction period. There would also be limits on working hours controlled by condition. No noise impacts are predicted during the operational phase of the development.

81. The proposed temporary site compounds and associated construction works will also be clearly visible from Little Acres. Should the conversion of these properties be completed and occupied while the construction period is on-going the potential for significant visual effects remains during this temporary period. Similarly this can be accounted for in agreeing the details of the layout of these temporary areas to seek to reduce this impact during this time. As set out in the previous section of this report, the LVIA undertaken as part of this application concludes that the visual effects of the proposed development would reduce to Minor Adverse (Not Significant) in Year 1 of the operational phase and to Negligible (Not Significant) in Year 15 as landscape mitigation planting matures.

82. The impact of the pipe bridge and security fencing on the outlook from these properties once converted has also been raised. The pipe bridge would be located approximately 200 metres away from the southern boundary of the land and buildings at Little Acres. While the pipe bridge and security fencing may be visible from these properties, at this distance this is unlikely to result in significant adverse impacts on the outlook and visual amenities of these properties, particularly as the effects will reduce over time as mitigation matures.

83. Air quality was scoped out of the Environmental Impact Assessment; however a standalone Air Quality Construction Dust Assessment has been submitted with the application which considers air quality and dust risk associated with the construction of the proposed development. Construction traffic and operational emissions have been scoped out of the assessment, as construction traffic generated in to be below the relevant screening criteria, and once operational the only traffic generated will relate to visits for maintenance and repair which will not have significant effects.

84. In terms of the construction phase, the assessment has identified that dust risks (dust soiling and health effects) falls within the low to medium risk category for earthworks, construction, and trackout. It is recommended that mitigation measures should be introduced to reduce the risks which includes development of a dust management plan, carrying out regular site inspections and use of water for dust suppressions. This is

matter is covered in the recommended construction environmental management plan condition.

85. Lighting is likely to be required as part of the development to enable construction. No new or permanent external lighting is proposed as part of the proposed development. A condition requiring details of lighting required in connection with the construction phase of the proposed development is therefore attached.

86. Overall, it is not considered that proposal would have an unacceptable impact upon living or working conditions in terms of noise, air quality, dust, light pollution, or visual impact, subject to the imposition of planning conditions set out above. The proposed development would provide an acceptable standard of residential amenity in accordance with Policies DC3 and DC4.

**(d) Contaminated Land**

87. Local Plan Policy DC1(h) states that proposals for development on land affected by contamination will be permitted where the applicant can demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment.

88. Contaminated land was scoped out of the Environmental Impact Assessment and this matter is not, therefore, considered as part of the Environmental Statement. Extensive ground investigation works have been carried out on the site comprising soil sampling/testing, gas monitoring and groundwater sampling/testing, the results of which are set out in Geo-Environmental Assessment Report and accompanying documents.

89. The report sets out that there are no anticipated risks to human health from soils and it is assumed that construction will follow good practice (Construction Phase Plan and Construction Environmental Management Plan to be in place to prevent risks during construction. However, reference is made to the risk from asbestos identified in soils close to the Tees Valley Railway crossing needing to be assessed by an appropriately licensed specialist as this has not been included in the conceptual site model. The Council's Environmental Health Officer has advised that this assessment should be secured by planning condition with the assessment report and any scheme of mitigation/remediation being submitted to the Local Planning Authority for approval.

90. While some elevated concentrations of contaminants were found the overall risk to controlled waters was not considered significant either due to being considered representative of background concentrations, the exceedances being only marginal, the limited identified pathways or the low sensitivity of receptors. In relation to risks to the water supply pipework, the proposed construction of the pipeline is understood to be of steel. No risk was identified from soils to be corrosive to wrapped steel pipes and no additional protection measures are anticipated to be required.

91. In terms of ground gas risk a screening value of 0.38l/hr has been calculated, equating to a Characteristic Situation rating of CS2 low risk in accordance with CIRIA C665, in relation to the area around the Tees Valley Railway crossing tunnel construction. It is acknowledged that CIRIA C665 guidance is based on the construction of new buildings and, therefore, may not be appropriate for the proposed TVR tunnelled pipeline crossing as no buildings will be created. Ground gas mentoring also recorded concentrations of carbon dioxide above the workplace exposure limits (WEL) and concentrations of oxygen below the WEL. The Principal Contractors will be expected to manage any risks (gas accumulation in confined spaces) as part of their usual health and safety arrangements/risk assessments/working procedures.

92. Subject to a condition requiring the submission of an asbestos assessment report and a further condition requiring details of any unexpected contamination found at any time during the construction period, the Council's Environmental Health Officer raises no objection to the application in terms of contaminated land. The proposal is therefore considered to comply with the requirements of Local Plan Policy DC1(h) in this regard.

**(e) Access and Highway safety**

93. Local Policy DC1 requires that new development proposals provide suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4. Policy IN3 requires the preparation and implementation of Travel Plans, Transport Assessments to promote the use of sustainable transport for journeys to work, training and education. Major developments will be required to engage in the Travel Planning process and produce a Transport Assessment.

94. The proposed pipeline route and working corridor requires multiple crossings within the public highway within the Borough including east to west: Cock Lane, B6275 Station Road, B6279 Staindrop Road, Walworth Road, unnamed road through Walworth, Back Lane, A68 West Auckland Road, Burtree Lane, A1(M), A167 Beaumont Hill, Bishopton Lane, Hillhouse Lane, and Norton Back Lane.

95. Working methods are to be employed to minimise disruption to the public highway as far as practicable, with a trenchless tunnelling technique to be used on major routes to avoid the need for road closures, such as the A167 at Beaumont Hill and on the A68 West Auckland Road. Highway works will be required to create the vehicular accesses serving the compounds and pipe laydown areas, details of which will be secured by planning condition. Details of accesses at three locations are however provided: A68 West Auckland Road, A167 Beaumont Hill, and Stockton Road.

96. While the Highway Engineer raises no fundamental objection to the use of these locations, further clarification is needed on the temporary hedgerow removal and visibility splays to be delivered, particularly at the A68 West Auckland Road access. Further discussion and clarification will therefore be required as part of the details to be secured by planning condition.

97. The proposal is likely to have some disruption to the local highway network and its users during the construction phase, primarily caused by the need for works to cross the public highway in multiple locations, many of which will require short duration road closures with local diversion routes, or temporary traffic signals. Traffic management requirements are to be established on a site by site, or phased basis. It is confirmed that the routes to site will as far as practicable be made from the strategic road network, avoiding any HVG routing via villages. Deliveries and plant movements will be predominantly via the internal haul road network to minimise disruption and vehicle movements on the public highway.

98. The Environmental Statement considers the impact of the proposed development on traffic and transport during the construction and restoration phases. Impacts during the operational phase have been scoped out of the assessment given that such impacts will be limited to infrequent maintenance activities. No overall trip generation is stated within the submitted information; however it is accepted that all traffic generation will be diffused across the highway network given the expansive nature of the works.

99. Junction capacity assessment has been undertaken on routes to the site and any junction subject to an increase in 30 or more peak hour two-way trips during the construction and restoration phase has been subject to operational capacity assessment using appropriate local junction modelling software. Whilst this generally demonstrates that each junction subject to assessment will still operate within capacity, significant localised queuing and driver delay is identified due to the proposed closure of Burtree Lane as a result of the proposed works in this area.

100. The closure is expected to be for a maximum period of 15 weeks and is required where the pipeline is to be routed within the highway boundary of Burtree Lane, to avoid more severe impact associated with the pipeline crossing the A1(M). While the closure of Burtree Lane is acknowledged, this is to be minimised with an additional team of contactors dedicated to this phase to minimise the duration of the closure, along with advanced warning signage to drivers to warn of additional traffic and delays during peak hours. Notably, at least part of the duration of the temporary closure of Burtree Lane is anticipated to coincide with the school summer holidays, a period traditionally associated with lower background traffic levels.

101. The Transport Assessment (TA) does not confirm the number of workers on site. The applicant has advised that this information is not known at this stage, however details will be provided by condition to inform the parking requirements for workers parking provision within the site compound areas, which must be sufficient to ensure that overspill parking does not occur on the public highway.

102. Exact details of the phasing of the development, together with a Construction Traffic Management Plan and Construction Environmental Management Plan which will provide details of measures to seek to restrict the number of deliveries and access to working sites during highway peak periods will be secured by planning conditions.

103. Whilst the delivery of the pipeline project may be concurrent with other major works and infrastructure projects within the Borough, no fixed timescale for the delivery of the works can be agreed at this stage. The Council as Local Highway Authority has other means to control such conflicts, and any conflicting works will be manged via the New Road and Streetworks Act (NRSWA) to minimise disruption and cumulative impacts on the highway network.

104. Whilst some disruption is anticipated during the construction and restoration phases, this is primarily owing to local road closures and diversion route where the pipeline must cross the public highway using open trench excavation. The requirement to this major infrastructure project is understood, which subject to appropriate conditions being secured, can be delivered without presenting a severe impact on the local highway network. Any disruption associated with the construction and restoration works is also temporary, with the operational phase of the development creating only occasional vehicle trips for inspection and maintenance. On this basis the Highway Engineer raises no highway objection.

105. National Highways has also commented on the application since the proposal will interact with the A1(M) and A66 forming part of the Strategic Road Network (SRN) during the construction and restoration phases. National Highways has confirmed that they are satisfied there will be no significant traffic impact upon the SRN during the operational phase, once works are completed.

106. During the construction phase the Long Newton Interchange on the A66 will be used for access to/from the Long Newton Reservoir and laydown area. This part of the site is located within Stockton Borough Council's administrative area, however following the submission of further details relating to visibility splays, National Highways has confirmed it has no in principle objection to this aspect of the proposed development. Similarly, they have confirmed they are satisfied that the development proposals will not have a significant impact upon the safe or efficient operation of A1(M) Junctions 58 and 59 during the construction phase. Subject to a condition requiring the submission of a Construction Traffic Management Plan they raise no objection to the application.

107. Subject to the conditions outlined above is not considered that the proposed development would result in a severe impact on the local or strategic road networks and the proposal is considered to meet the requirements of Local Plan Policies DC1, IN3 and IN4.

**(f) Public Rights of Way**

108. Local Plan Policy IN1(a) seeks to protect existing footpaths, cycle routes and bridleways from development which would impair their function for recreation and seeks to protect and enhance public rights of way as set out in the Rights of Way Improvement Plan forming part of the Darlington Green Infrastructure Strategy. Policy IN2 requires all developments to provide safe access to the Borough-wide cycling and walking network including links to the Public Rights of Way Network and other routes.

109. The route of the STMP crosses or runs close to 17 public rights of way (PRoW), some of which are crossed multiple times. The submitted Framework Construction Environmental Management Plan (CEMP) states that where the proposed development would intersect the PRoW network, the contractor will implement the following hierarchy during construction, or a combination thereof, to minimise disruption to the public:

    a. Maintain the PRoW with appropriate surfacing across the working width except for short, manned closures with associated health and safety protection;
    b. Divert the PRoW within the working width with associated health and safety protection and footpath surfacing; or
    c. Agree a diversion route for the PRoW with the Local Authority and general public through consultation and install it, with associated signage and surfacing works when neither of the first two actions are viable.

110. While the amenity of pedestrians using PRoWs that cross the pipeline route or working corridor would be affected by diversions or short manned closures, these would only be temporary while construction and remediation works are taking place in an area affecting specific PRoWs. Whilst precise details as to whether it will be necessary to either divert or temporarily close PRoWs are not yet known, it is considered that the mitigation hierarchy proposed is an acceptable approach to deal with the interaction of the development within the PRoW network.

111. The Council's Public Rights of Way Officer has raised a number of issues regarding maintenance of the surface of PRoWs, the reinstatement of PRoW furniture, and to ensure that all affected PRoWs are kept open and safely passable, or else temporarily closed, which are all addressed and would be dealt with as part of the mitigation hierarchy. The proposal would not therefore conflict with the requirements of Policies IN1(a) and IN2.

**(g) Ecology and Biodiversity Net Gain**

112. Local Plan Policies ENV4, ENV7 and ENV8 are of relevance to ecology and biodiversity. Policy ENV4 seeks to protect green and blue infrastructure, and where appropriate, improve and extend it, to provide a quality, safe and accessible network of well connected, multi-functional open spaces for recreation and play and to enhance visual amenity, biodiversity, landscape and productivity. Policy ENV7 states that development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, adequately mitigated, or, as a last resort, compensated for.

113. Policy ENV8 states that development proposals will be required to provide net gains in biodiversity (prevailing in national policy) and demonstrate achievement of this using the DEFRA Biodiversity Metric…and…where a development proposal cannot avoid significant harm to biodiversity following the consideration of avoidance measures and mitigation, as a last resort, suitable compensatory measures must be incorporated, including the

creation of priority habitats, with the first priority being on-site provision. Only with adequate reasoned justification will any off-site compensatory measures be permitted, with any such provision agreed to be adequate and appropriate secured by Section 106 agreement.

114. The impact of the proposed development has been assessed as part of the ES, which is supported by a Preliminary Ecological Appraisal report, an Aquatic Ecology Baseline Report, a range of protected species surveys and reports, a bird technical report, and a river physical habitat assessment. The Council's Ecologist has reviewed these reports and surveys forming part of the ES and is satisfied that the ecological surveys and reporting have been undertaken using best practice guidelines and in line with current legislation. It is recommended that all works, including embedded mitigation, are conducted in line with the recommendations set out in the ES.

115. The site does not fall within the boundaries of any Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar Sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) or Local Nature Reserves (LNR).

116. Two SSSIs are present within 2km of the site; Redcar Field SSSI and Newton Ketton SSSI, designated due to the presence of fen vegetation and unimproved hay meadows, respectively. These sites are considered to be of national importance. Drinkfield Marsh LNR is located 940m south of the site and supports a large lake with associated reedbeds and grassland habitat and considered to be of county importance. While Redcar Field SSSI and Meadow Ketton SSSI are located within 100m of watercourses which bisect the site, these SSSIs are located upstream of the site and there are not considered to be any potential impact pathways upon these designated sites. They are therefore scoped out of the assessment. Due to the lack of hydrological connectivity and other impact pathways, there are no anticipated impacts on Drinkfield Marsh LNR which is also scoped out.

117. Twelve Local Wildlife Sites (LWSs) are identified within 2km of the site. These are non-statutory designated sites, although are designated due to their value across the Tees Valley area and are therefore considered to be of county value. No LWSs are located within the site, although Foxhill Quarry LWS, Burtree Gate Marsh LWS, Oxbow Lake LWS, and Newton Grange Farm LWS are located within 250m of the site.

118. The ES concludes that the proposed development would have some impact on the LWS scoped into the assessment, but with the implementation of measures set out in the Framework Construction Environmental Masterplan (CEMP) this will ensure that the predicted impact is considered to be negligible at county level, with an overall effect of Negligible Adverse or Not Significant.

119. For habitats, there would be a Moderate Adverse and Significant impact on hedgerows due to the need to remove approximately 2km of hedgerows during the construction period, but which would be reinstated during restoration. This impact would be temporary given the reinstatement of hedgerows, and the magnitude of this impact will

reduce over time as the reinstated hedgerows mature. There would be no significant impacts upon habitats of local value.

120. There will be a temporary loss of breeding bird and ground nesting habitats, potential for disturbance to identified bat roosts which are to be retained as well as temporary severance of linear habitats (hedgerows and watercourses) that could disrupt bat commuting and foraging routes. Three single entrance outlier badger setts (one active and two partially used) as well as three disused setts would be permanently destroyed during construction works. Five potential resting sites for otter would be lost, three temporarily during construction works and two permanently. No evidence of water vole was identified although there would be a temporary risk of a direct impact should a pollution event occur during construction. Embedded mitigation will reduce this impact.

121. Great Crested Newts have been scoped out of the assessment following survey results which suggests the likely absence of GCN from the site. There will be temporary habitat loss for harvest mice, brown hare, hedgehog, toads and frogs. There will be some disturbance to fish behaviour in the River Skerne, and some disturbance to fish habitat during the construction period.

122. However, the proposed development would provide a series of significant and positive mitigation and compensation measures into the design of the development. Full details are provided in the Environmental Statement and can be secured by planning condition. The measures include promoting diversity within grassland, translocation and reinstatement of important hedgerows, flumes in certain watercourses to ensure conditions are similar to that of the current channel, and the erection of bird and bat boxes. In addition to these measures, the site is not located within any nationally or locally protected site. As such, in the context of the proposed mitigation which can be secured by planning condition, the proposal accords with Policies ENV4 and ENV7.

123. A Statutory Biodiversity Net Gain (BNG) metric and Biodiversity Net Gain Design Stage Report have been submitted with the application. These have been considered by the Council's Ecologist who is satisfied that the assessment of onsite baseline habitats is correct and have been conditioned scored correctly. A loss of -2.46 Habitat Units (-0.47%) is recorded and in order to achieve the mandatory 10% net gain there is a requirement to find 54.48 habitats. The Design Stage Report identifies that this will be delivered off-site, primarily at a site near Sadberge. Precise details of the proposed BNG works will be included within the Biodiversity Gain Plan (BGP) in accordance with Section 90A of the Town and Country Planning Act 1990 (inserted by Schedule 14 of the Environment Act 2021). The BGP will be submitted to the Council when the discharge of the mandatory BNG planning condition is sought.

124. While Policy ENV8 sets out that as a first priority net gains should be provided on-site, given the nature of the proposed development it is not possible to make on-site provision. Once the development is complete and operational NWL will retain an easement over the pipeline route but will otherwise have no rights over the land to provide and maintain BNG land for the required 30-year period. As such there is no

alternative in this instance but to make provision for off-site BNG. This is considered to amount for appropriate reasoned justification to meet the requirements of Policy ENV8. A condition requiring the submission of a Habitat Management and Monitoring Plan (HMMP) is also attached. A fee to cover the Council's costs of reviewing the monitoring reports over the 30-year period is to be secured by Section 106 agreement.

125. Natural England has raised no objection to the proposed development and considers that it will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. The Environment Agency has also raised no objection, subject to conditions requiring further details of works to be undertaken within and affecting watercourses across the application site and a plan detailing the protection of water vole and otter and their associated habitats to be submitted for approval.

126. It is considered that the proposal would not negatively impact upon any nationally or locally protected sites, subject to the embedded mitigation measures set out in the ES. This would be secured by the various conditions outlined in this section of the report, together with the provision of off-site BNG which would be secured by Section 106 Agreement and Biodiversity Gain Plan. On this basis, the proposal is considered to accord with Local Plan Policies ENV4, ENV7 and ENV8.

**(h) Agricultural Land and Soils**

127. The National Planning Policy Framework, 2024 (NPPF) highlights in paragraph 187 that the planning system should contribute to and improve the natural and local environment by protecting and enhancing soils. It also reinforces that the economic and wider benefits of 'Best and Most Versatile' (BMV) agricultural land should be recognised. As part of this, the framework outlines that where significant development on agricultural land is demonstrated to be necessary, areas of poorer quality land (Agricultural Land Classification grades 3b, 4 and 5) should be used in preference to those of higher quality grades (grades 1, 2 and 3a). This directly relates to the ALC framework which determines the quality of agricultural land in accordance with a suite of key soil properties, confirmed through intrusive survey.

128. In order to consider the proposal's impact upon soils an Agricultural Land Classification (ALC) and Soil Management Plan was submitted with the planning application. This document assesses the agricultural land classification of land along the route of the proposed pipeline as well as its quality. The ALC report concludes that the majority of the surveyed area is Subgrade 3a land, accounting for 70% of the total area. Grade 2 land accounts for 12% of the surveyed area and Subgrade 3b accounts for 18% of the total area. Overall, 82% of the surveyed area is BMV land (grades 1, 2 and 3b).

129. Soil types along the route of the pipeline were also assessed so that a Soil Management Plan (SMP) could be prepared to ensure that the soil is appropriately dealt with, stored and reinstated post construction of the pipe. The SMP outlines detailed measures that will be undertaken at various stages in the construction process to ensure that there would be no unacceptable impact upon the quality of soils along the route. The

submitted Agricultural Land Classification and Soil Management Plan sets out how soils along the route of the pipeline should be handled and reinstated in order to allow the development to proceed. The contractor will be required to follow and adhere to the requirements of this Plan, which will be secured by planning condition, and as such it is considered that there would be no unacceptable impact upon the quality of soils along the route of the pipeline. Although the development site involves a significant proportion of BMV land it is not expected that there will be any permanent land-take, and instead all stripped soil will be reinstated following construction and restored to its pre-development condition.

130. The concerns of objectors regarding the potential impact the proposed development will have upon agriculture and in particular potential damage to soils, field drainage and soil productivity are noted. Objections cite examples of this from Phase 1 of the development. For the reasons explained, the submitted SMP should ensure that there will be no unacceptable impact upon the quality of soils along the route of the pipeline. Compliance with the SMP is to be secured by planning condition. The pipeline will be constructed with a 6m easement either side to protect the STMP post-construction, however given that the pipeline runs primarily through rural areas, it is not expected that this easement would unduly affect any landowner. The agent further advises that the route of the pipeline was selected to ensure that this is the case with the route altered, where technically possible, to meet landowner requirements.

131. Outwith and beyond consideration of the planning application, in accordance with the Water Industry Act 1991, NWL compensates landowners who suffer losses as a result of NWL's statutory undertakings in relation to the construction of the pipeline. Acknowledging the wider public benefits of the scheme and securing compliance with the SMP by planning condition, the proposal is not considered to conflict with the relevant paragraphs of the NPPF in this regard.

**(i) Flooding and Drainage**

132. Local Plan Policy DC2 aims to focus new development in areas of low flood risk and expects all new development to be designed to mitigate and adapt to climate change and flood risk. Policy DC3 also sets out that all new development that may cause groundwater or surface water pollution, will be required to incorporate measures to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the landscape.

133. The proposed scheme, comprising a water transmission pipeline, can be classified as 'water compatible development'. Most of the scheme is in Flood Zone 1. Due to the nature of the pipeline it is not feasible to avoid passing through some of the watercourses, and it is therefore not feasible for the scheme to be entirely in Flood Zone 1. This is acceptable for water-compatible developments as states in the Planning Policy Guidance.

134. The pipeline will intersect Flood Zone 2 and 3 at six locations. The pipeline will pass below 11 watercourses, with the River Skerne being crossed using a pipe bridge. A range of temporary assets including main compounds, satellite compounds, material laydown areas, tunnel compounds and temporary lagoons are required to construct the proposed scheme.

135. The Environmental Statement considers the effects of the proposed development on the Water Environment. Twenty-four receptors were scoped into the assessment, seven surface water receptors, and seventeen groundwater receptors. The assessment of potential effects considers the sensitivity of each receptor; a description and the magnitude of any impacts, taking embedded mitigation measures into account; and the significance of any effect.

136. A Framework Construction Environmental Management Plan (CEMP) has been submitted with the application which details the key measures and principles that will be adhered to during the construction and restoration phase of the proposed development and forms part of the embedded mitigation. The measures in the Framework CEMP will be taken forward in a detailed CEMP which will be secured by planning condition prior to the commencement of development. Key measures and principles set out in the Framework CEMP include: suitable site layout arrangements; requirements for the storage of fuel, oil, chemical and other hazardous substances (including chlorinated water within surface lagoons) to minimise the risk of accidental environmental discharge; a pollution prevention plan, including emergency spill procedures; water runoff and silt management measures; an erosion prevention and sediment management plan; and details of site (including site compounds and pipe laydown areas) drainage showing connections to existing road/mains drainage network, and not discharged directly to the environment.

137. Any proposed licenced activity (e.g. surface water or groundwater discharges) will be subject to and follow the relevant permit requirements and restrictions. The design of the proposed development includes measures to minimise impacts on the water environment where the STMP crosses watercourses which include: where temporary flume or piping of the watercourse is required during construction it is suitably sized and specified (to comply with the CIRIA Culvert, Screen and Outfall Manual) to prevent fish movements being impeded and to prevent erosion of the channel; excavations for watercourse crossings will be undertaken 'in the dry' with watercourses diverted or over-pumped to minimise erosion and minimise the release of excessive suspended solids; the River Skerne Pipe Bridge will be set 1200mm above the 1:100 flood level to take account of climate change and the concrete abutment set back from the river channel to prevent scour/erosion under high flow and prevent adverse hydro morphological or water quality impacts on the River Skerne; and best practice measures will be followed during grouting of the tunnels under the TVR and ECML to ensure no significant loss of grout to the aquifer.

138. During operation, no impacts are anticipated on the water environment. Should a leak develop in the pipe as it will be carrying potable water no impacts on water quality would arise. The ES identifies a number of Moderate Adverse (Significant) effects on some

sensitive receptors during the construction and restoration phase, however adherence to the measures and principles set out in the Framework CEMP throughout this phase should prevent any surface or groundwater water quality impacts. As such no impacts relating to water quality arising from the deposition or spillage of soils, sediment, fuels or other construction materials, discharge from lagoons, or through uncontrolled site runoff are predicted.

139. The ES includes further measures, in addition to the embedded mitigation measures, to seek to reduce these residual significant effects during the construction and restoration phase. These include detailed watercourse crossing design and reinstatement to ensure watercourse flows are maintained within the River Skerne and the installation of clay stanks along the pipeline to reduce the temporary and permanent impacts associated with the creation of a preferential groundwater flow pathway during construction by preventing groundwater flow along the route of the pipeline.

140. It is considered that as a result of mitigation measures, both embedded and additional, all effects have been reduced and are considered to be either negligible or minor adverse and not significant in terms of the effects on the Water Environment.

141. The application is also accompanied by a Flood Risk Assessment (FRA). The below-ground pipe will primarily be located in Flood Zone 1, although will intersect Flood Zones 2 and 3 at six locations. The NPPF requires a sequential, risk-based approach to be applied to all plans. The sequential test aims to steer new developments to locations in Flood Zone 1, where flood risk is lowest.

142. The proposed scheme comprising a water transmission pipeline can be classified as 'water compatible development'. Due to the nature of the pipeline it is not feasible to avoid passing through some watercourses, and it is not therefore feasible for the scheme to be entirely located in Flood Zone 1. This is acceptable for water-compatible developments as stated in the Planning Policy Guidance. The Exception Test is not required as the proposed scheme is a 'water compatible development'. Much of the pipeline located within Flood Zones 2 and 3 will be underground, with the exception of the pipe bridge over the River Skerne. The pipe bridge will be constructed at a sufficient elevation so as not to be at risk of flooding.

143. A range of temporary assets including main compounds, satellite compounds, material laydown areas, tunnel compounds and temporary lagoons are required to construct the proposed scheme. There are operational constraints on where these temporary assets can be placed including reasonable access to welfare facilities, limiting environmental impact, transporting materials, and topography for the temporary lagoons. The FRA concludes that there are no practical alternative sites for the proposed works given the operational requirements of the pipeline, the need to avoid land allocated for development and sensitive land use designations and as such it is considered that the Sequential Test has been satisfied.

144. The assessment of flood risk during construction and operation has identified that the proposed scheme and construction works are exposed to fluvial flooding. The proposed scheme has the potential to cause surface water flooding and artificial flooding during the construction and operational phases. The FRA presents a range of mitigations to be put in place to manage these hazards to people and property.

145. The FRA demonstrates that the proposed scheme will be safe to operate and will be operationally resilient over its 80-year lifespan and that there will be no detrimental change in flood risk elsewhere because of the proposed scheme. Neither the Environment Agency nor the Lead Local Flood Authority raise an objection subject to conditions requiring the submission of a Construction Environmental Management Plan (CEMP) and requiring the development to be carried out in accordance with the submitted FRA. Subject to these conditions being adhered to, the proposed development would not lead to increased flood risk, either on or off site, and the proposal is therefore considered to comply with the requirements of Local Plan Policies DC2 and DC3 with regard to flood risk.

**(j) Designated and Non-Designated Heritage Assets**

146. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or ay features of special architectural or historic interest it possesses. If harm is found this gives rise to a strong, but rebuttable, statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.

147. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. Local Plan Policy ENV1 seeks to ensure that development proposals conserve those elements which contribute to the asset's significance, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm.

148. Policy ENV2 relating to the Stockton and Darlington Railway (S&DR) and states that proposals which will conserve and enhance elements which contribute to the significance of the S&DR and its setting, including its trackbed and branchlines, will be supported. Proposals will be supported where they include measures that preserve and physical remains along the route, including site interpretation and, where appropriate, reinstate a legible route whether those remains no longer exist. Development proposals that support the development of the S&DR as a visitor attraction including the creation of walking and cycling paths along its route will be encouraged.

149. The submitted Heritage Impact Assessment (HIA) identifies a total of 15 no. designated heritage assets located within the application site and within the vicinity of it that would be potentially affected by the proposed development and has undertaken an assessment the significance of these assets and of the impact of the proposed development. These assets include Little Whessoe Occupation Bridge (Grade II listed) and the route of the S&DR; Sadberge Conservation Area; Walworth Castle (Grade I); Ketton Packhorse Bridge (Grade II and Scheduled Monument); and groups of buildings associated with farmsteads along and adjacent to the route, predominantly Grade II listed.

150. The HIA concludes that the route of the proposed pipeline and the associated compounds have been chosen to avoid direct effects upon the designated heritage assets along the route and to minimise the impacts upon their settings wherever possible. The proposed works would have temporary, localised minor adverse effects upon the settings of most of the heritage assets that have been assessed. The adverse effects identified for Ketton Packhorse Bridge, whilst still temporary, are greater due to the close proximity of the site to the heritage asset. Once the works are completed, the settings of the affected heritage assets would be restored, and the significance of these assets would be preserved.

151. In this context, it is considered that the proposed development is in broad accordance with the NPPF and relevant Local Plan Policies since the adverse effects are temporary and would not have any lasting effects upon the significance and special architectural or historic interest of affected designated heritage assets.

152. The Council's Conservation Consultant has advised that the HIA demonstrates that any impacts on the setting of designated heritage assets would be temporary, localised and mitigated post-completion. There will be some modest infrastructure additions along the route in the form of kiosks, although no details are available at this stage in terms of the number or location of these. Due to the nature of the heritage assets identified, the route of the pipeline and the identified above ground assets, the impacts of these are likely to be negligible in terms of resulting setting impacts. It is however recommended that details of the proposed kiosks, their number and location, are secured by planning condition to ensure that any associated apparatus is appropriately sited in terms of any identified heritage assets. Overall, it is not considered that the proposal would result in harm to the significance of the designated heritage assets identified, and no objection is raised.

153. Consideration has been given to the effects of the proposed development on archaeology. The study area includes a total of 123 archaeology assets across the three sections of the route which have been identified through the walkover survey, geophysical survey and pre-determination trial trenching. Limited archaeological features were discovered during the trenching, however key locations were identified for further investigation.

154. The location of all scheduled monuments has been taken into account during the route planning phase and no nationally or locally designated archaeology assets will be directly impacted by the route. In particular, the proposed development avoids the Scheduled Monuments of the 'Deserted medieval village at Walworth (NHLE 1011256) 405m to the north of the site, and the 'Shrunken medieval village at Sadberge' (NHLW 1011073), 150m to the south of the site. Notably, the scheduled and Grade II listed Ketton Packhorse Bridge (NHLE 1002345) lies within the site, however it falls within the easement corridor, and the route of the pipeline has been designed to ensure that direct impacts to this asset are avoided. The asset will be delineated in advance of construction works as per Historic England guidance and no construction works will take place within 10m of this asset. This is accounted for in the Framework CEMP.

155. While there would be no direct harm to the asset during the construction period, there would be some low level, indirect harm with the need for fencing around the monument and the construction activities within the corridor. In planning terms there would be less than substantial harm caused to the setting and significance of the monument. In accordance with paragraph 215 of the NPPF there will be a need for a balancing of public benefits versus the low level of harm identified.

156. The most effective way for heritage harm to be avoided in this case would be for the development not to be located on the proposed site. However, the proposed pipeline route is in a location that seeks to avoid land allocated for development, avoid sensitive land use designations where possible and cause minimal disruption during construction. Any harm caused to heritage assets would be temporary in nature and only occur during the construction period. Whilst the harm is less than substantial and at the lower end of the scale of harm, significant weight must nonetheless be afforded to that harm. It is considered that this harm is outweighed by the public benefits of the proposal, securing the future water supply to Darlington and the surrounding area. The public benefits that would arise as a result of the proposed development are considered to be sufficient to outweigh the identified less than substantial harm.

157. During construction potential impacts are identified to those archaeology assets which lie within the direct route of the working corridor, compounds, lagoons and material laydown areas. In Section 1 (Dyance Beck to A1(M)) of the study area, 42 archaeology assets have been identified. It is judged that there will be major adverse impact on nine assets, moderate adverse impact on ten assets and minor adverse impact on three assets. The remaining archaeology assets are judged as having no impact upon them.

158. In Section 2 of the study area (A1(M) to North of Barmpton) 61 archaeology assets have been identified, with a major adverse impact predicted on three assets, moderate adverse impact on seven assets, and moderate adverse on four assets. The remaining archaeology assets in this section are judged as having no impact upon them. In Section 3 (North of Barmpton to Long Newton SR) of the study area, 20 archaeology assets have been identified. It is judged that there will be a major adverse impact on three assets and mode and moderate adverse impact on four assets, with no impact predicted on the remaining assets in this section.

159. While there are major, moderate and negligible impacts identified as part of the assessment submitted as part of the application, these impacts are not considered to amount to substantial harm in line with the NPPF due to the generally low value of these assets, and the assessment outlines mitigation for these impacts arising during the construction period. No impacts are expected during the restoration phase.

160. No significant effects (i.e. Major or Moderate Adverse effects) have been identified in this assessment during the construction and restoration of the proposed development. The route of the pipeline has been designed and refined to avid the most sensitive archaeology assets and therefore those that may be affected are of lower value with effort made to reduce the scale of effect where possible.

161. This further post-determination investigation will be secured by planning condition, and the results will be reported in and inform an Archaeological Management Plan (AMP) which will set out the proposed strategy for the preservation, investigation and recording of the heritage assets, including provision for analysis, publication and dissemination of results, and archive deposition. The submission of the AMP would also be secured by planning condition. A further condition would also require the development to be carried out in accordance with the approved AMP.

162. Durham County Council Archaeology Officers have considered the application and raise no objection subject to the conditions outlined previously in this section of the report to secure further evaluation and the submission and implementation of an AMP. The Friends of the Stockton and Darlington Railway also recommend the proposed AMP records and recovers any items of feature of significance relating to heritage railway remains. Low level harm has been identified to the Ketton Packhorse Bridge Scheduled Monument and in accordance with the requirements of the NPPF this harm has been weighed against the public benefits of the proposal. The public benefits identified are considered sufficient to outweigh the low-level harm during the construction period.

163. The Council's Conservation advisor and Durham County Council Archaeology Section raise no objection to the proposals and subject to the imposition of appropriate conditions as outlined above. The proposal is therefore considered to comply with the requirements of Policies ENV1 and ENV2, Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**(k) Housing Allocations**

164. A small section of the proposed pipeline is proposed to pass across part of the housing allocation, site 251 – Skerningham which is identified in Local Plan Policies H2 and H10. An outline planning application, 22/00146/OUT, is currently under consideration for this area of land for housing and associated uses. It will need to be demonstrated that the pipeline will not significantly affect the delivery of this housing allocation site and in turn affect the Council's housing land supply. This is also a matter that has been raised by objection.

165. The proposed pipeline clips the Skerningham Housing Allocation in its far north west corner adjacent to the A167 where it then runs north, outwith the allocation, before it crosses the River Skerne. The application sets out that the route of the pipeline has been chosen to ensure, amongst other things, that it does not cross land allocated for development unless technical reasons mean this was not possible. The pipeline does need to cross the A167 at Beaumont Hill, and the application proposes two potential options for crossing the A167 to account for a new highway access that will be constructed in this location to access the Skerningham Housing Allocation, should permission be granted.

166. The outline planning application, 22/00146/OUT, is presently undetermined, and construction of the pipeline is likely therefore to commence in advance of any housing development on this site. As such the pipeline would be constructed to ensure that it runs under the area where the highway works would take place in the future. Should the highway works take place in advance of the pipeline, NWL will be able to tunnel under the new junction so as not to disturb the new highway.

167. The applicant's agent has further confirmed that should construction of the pipeline and the housing development overlap NWL is content to pursue a planning application for the formation of an alternative construction access point from the A167 to minimise interference at this stage between the two schemes. As this land is outwith the current application site boundary NWL would need to submit a separate standalone planning application for the alternative access. The agent has confirmed that following the determination of this application NWL would prepare and submit a new planning application for the alternative construction access to the north. Once construction programmes become clearer for both sites, NWL would enter into further discussions with the developer for the housing site to agree which construction access would be used.

168. The pipeline itself once laid would clip the edge of the housing development site along part of its northern boundary. The pipeline would require an easement of 6m either side which would be assumed into a landscaping belt along this northern boundary. The current application is in outline only, which only indicative site layouts provided. Final details would be considered as part of any subsequent reserved matters applications which would need to take account of the pipeline and its easement in this location.

169. Together with the measures set out for the construction of the pipeline in this location, it is not considered that the incursion of the pipeline into this part of the site would prejudice delivery of this strategic housing allocation or in turn impact upon the Council's housing land supply.

170. A further objection has been raised by Bellway Homes who have an option on a parcel of land to the south and south west of High Beaumont Hill Farm, off the A167. The pipeline will pass through this land from Burtree Lane as it heads towards the A167. Bellway Homes is concerned that the pipeline and its easement will sterilise much of this site, and

while this is not a housing allocation in the current Local Plan, they consider it to be a logical extension to Darlington's built form that has the potential to meet future housing need.

171. While these concerns are noted, given that the site is not a current housing allocation Officers consider that limited weight should be attached to this matter in the balance of considerations. The need for the proposed pipeline development and its wider benefits weighs against consideration of a site which if it came forward for residential development within the current Local Plan period would be contrary to policy.

**(l) Minerals Safeguarding**

172. The application site passes through three safeguarded areas: limestone (shallow), gypsum (deep), and sand and gravel (shallow) as defined in the Tees Valley Minerals and Waste Core Strategy DPD (2011). DPD Policy MWC4 (Safeguarding of Minerals Resources from Sterilisation) sets out those circumstances where non-minerals development will be permitted within the minerals safeguarding area which include where development would not sterilise or prejudice the future extraction of the mineral resource; the mineral will be extracted prior to development; or the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource.

173. A Minerals Safeguarding Assessment has been submitted with the application which concludes that the proposed development is limited in its impact due to the limited footprint of the proposed pipeline and the amount and spatial distribution of mineral resource identified across the area covered by the Core Strategy DPD. The development is constrained to approximately 5.0m laterally and 4.5m in depth (together with a standoff zone surrounding the development), and with the reinstatement of material at the place of origin this footprint is further reduced. Furthermore, there is a need for new infrastructure to deliver clean water, with benefits from the development relevant beyond the administrative area of Darlington Borough Council. In view of these considerations the proposal does not conflict with the requirements of Policy MWC4.

**(m) Cumulative Impact**

174. Paragraph 198 of the NPPF, 2024, advises that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Local Plan Policy DC3 also sets out that all new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to incorporate measures to prevent and reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and future occupants of land and buildings, the character and appearance of the surrounding area and the landscape.

175. Whilst the application site covers a large area and is approximately 21km in length, the proposed pipeline would almost be entirely underground and once constructed, the development would not be visible, and its operation would not be noticeable. Because the route of the pipeline passes close to north of the main urban area of Darlington it would be close to a number of development sites that are at various stages in the planning process.

176. A cumulative assessment has been undertaken as part of the EIA process. This considered if additional potential cumulative effects from the proposed development would be created by it interacting with other developments in order to ascertain whether there are any inter-project cumulative effects. A total of eleven schemes located within the vicinity of the application site were identified and considered as part of the assessment:

- Phase 1 of STMP, from Lartington WTW to Shildon
- Solar Farm on land to north of Burtree Lane, Darlington
- Residential development at Burtree Garden Village Phase 1, Burtree Lane, Darlington
- Residential development (up to 600 houses), land to east of Beaumont Hill, Ketton Lane, Darlington
- Solar Farm on land to south of Long Pasture Farm, Little Stainton, Darlington
- Residential development for up to 380 houses, Field at OSGR E428827 N517935 Burtree Lane, Darlington
- Solar Farm across 6 parcels of land between Brafferton, Little Stainton and Bishopton (Byers Gill Solar DCO application)
- Residential development for 450 dwellings, convenience store, access, parking, landscaping and infrastructure, Land North of Darlington known as Skerningham Garden Village, Low Skerningham Lane, Darlington
- Residential development for 125 dwellings, residential and link roads, public open space, landscaping and drainage works at Mount Pleasant Farm, Newton Lane, Darlington
- Residential development for 1200 dwellings, residential and link roads, public open space, landscaping and drainage works, education and playing fields at Mount Pleasant Farm and Stag House Farm, Newton Lane, Darlington
- Residential development for 132 dwellings, landscaping and infrastructure works at Site of Former Corus Works (East Site), Whessoe Road, Darlington

177. The assessment concludes that there is potential for significant adverse effects in relation to noise in the event that the construction periods for the relevant cumulative schemes overlap with that of the proposed development. Additional mitigation in the form of temporary noise barriers between the relevant receptors is proposed in the event that the construction periods overlap, which would be secured by planning condition. No other significant adverse in-combination effects are identified.

178. While there would be some conflict with Policy DC3 and Part 15 of the NPPF in this regard, it should be noted that these effects relate to the construction period only.

Development would be undertaken in a phased approach which would limit both the duration and extent of noise impacts across the application site when considered in combination with other projects. Given the need for the development and the wider benefits in terms of delivering an upgraded potable water supply to the residents of County Durham (Phase 1) and Teesside, to which significant weight can be afforded in the planning balance, it is not considered that such conflict would justify a refusal of planning permission in this instance.

**THE PUBLIC SECTOR EQUALITY DUTY**

179. 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. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

**CONCLUSION AND RECOMMENDATION**

180. The proposed development forms part of a wider scheme to provide additional water capacity and resilience to the existing water network serving County Durham and Teesside, replacing existing Victorian-era infrastructure necessary to support the growing population of the area. Phase 1 within County Durham is nearing completion and this application would be Phase 2 of the scheme, from the County Durham and Darlington boundary at Dyance Beck to Long Newton Service Reservoir in Stockton Borough Council's administrative area.

181. Consideration has been given to the principle of the development, together with impacts on landscape and visual amenity, residential amenity, land contamination, access and highway safety, public rights of way, ecology and biodiversity net gain, agricultural land and soils, flooding and drainage, heritage assets, minerals safeguarding and cumulative impacts. Subject to appropriate planning conditions, the impacts are considered to be acceptable, acknowledging that many such impacts would be temporary for the duration of the construction period only.

182. The proposal has generated some limited public interest. These representations have been weighed along with other responses including those of statutory consultees that have raise no objections to the scheme based on the submitted details and assessments and subject to conditions where necessary. They have also been carefully balanced against the benefits of the scheme in terms of the security of the water supply to Darlington and the wider area. Whilst mindful of these public representations it is considered that these are not sufficient to outweigh the planning judgement in favour of the proposed development and carefully balanced against the benefits of the scheme.

183. Overall, it is considered that the proposed development accords with the relevant policies of the Darlington Local Plan (2016 – 2036) and the relevant sections of the NPPF. While there is the potential for some slight conflict with Local Plan Policy DC3 with regard to noise impacts from the proposed development should the construction period coincide with other developments identified in the cumulative effects assessment in the ES, for the reasons set out in report it is not considered that this would be sufficient to justify refusal of the application on this basis. It is therefore, recommended:

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE DEVELOPER ENTERING INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING (THIS TO BE COMPLETED WITHIN SIX MONTHS)**

**(a) To secure a Biodiversity Net Gain (BNG) monitoring fee**

**THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS. SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THE PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF DARLINGTON LOCAL PLAN 2016-2036**

1. A3 (3-year time limit)

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

   (a) Red Line Boundary Figure A.3, Sheets 1 – 4
   (b) Proposed Development: Route Overview, Figure A.1
   (c) Proposed Development: Detail, Sheet 1 of 3 Figure A.2
   (d) Proposed Development: Detail, Sheet 2 of 3 Figure A.2
   (e) Proposed Development: Detail, Sheet 3 of 3 Figure A.2
   (f) A68 Strategic Crossing Plan and Profile, drawing number WN023-0165-STN-51-06-DR-C-0004 Rev. P01
   (g) Tunnel General Arrangement, Sheet 1 of 2, drawing number WN023-0165-STN-51-06-DR-C-0005 Rev. P01
   (h) Tunnel General Arrangement, Sheet 2 of 2, drawing number WN023-0165-STN-51-06-DR-C-0006 Rev. P01
   (i) A167 Strategic Crossing, Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-1028 Rev. P01
   (j) A68 Temporary Access, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-411 Rev. P01
   (k) Stockton Road Temporary Access, drawing number SZ14-T51-PR1-AM2-002-DWG-CST-G04-1103 Rev. P04

(l) Beaumont Hill Temporary Access, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-1104 Rev. P01
(m) Beaumont Hill SR Strategic Connection Plan, drawing number WN023-0165-STN-51-02-DR-C-0001 Rev. P03
(n) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 1 of 3, drawing number WN023-0165-STN-51-02-DR-C-0002 Rev. P02
(o) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 2 of 3, drawing number WN023-0165-STN-51-02-DR-C-0003 Rev. P02
(p) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 3 of 3, drawing number WN023-0165-STN-51-02-DR-C-0004 Rev. P02
(q) Phase 2 Site Compound Locations, Plan 1 of 3, drawing number WN023-0165_00_GIS_1030 Rev. P03
(r) Phase 2 Site Compound Locations, Plan 2 of 3, drawing number WN023-0165_00_GIS_1031 Rev. P03
(s) Phase 2 Site Compound Locations, Plan 3 of 3, drawing number WN023-0165_00_GIS_1032 Rev. P03
(t) Long Newton SR Strategic Connection Plan, drawing number WN023-0165-STN-51-03-DR-C-0001 Rev. P06
(u) Long Newton SR Strategic Connection, plan and pipeline profile sheet 1 of 4, drawing number WN023-0165-STN-51-03-DR-C-0004 Rev. P04
(v) Long Newton SR Strategic Connection, plan and pipeline profile sheet 2 of 4, drawing number WN023-0165-STN-51-03-DR-C-0005 Rev. P04
(w) Long Newton SR Strategic Connection, plan and pipeline profile sheet 3 of 4, drawing number WN023-0165-STN-51-03-DR-C-0006 Rev. P04
(x) Long Newton SR Strategic Connection, plan and pipeline profile sheet 4 of 4, drawing number WN023-0165-STN-51-03-DR-C-0007 Rev. P04
(y) Long Newton SR A66 Access Vehicle Tracking Assessment, drawing number WN023-0165-STN-51-03-DR-T-0002 Rev. P01
(z) A1(M) to Long Newton Service Reservoir Proposed Pipeline Route Key Plan, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1011 Rev. P03
(aa) Gainford Great Wood to A1(M) Proposed Pipeline Route Key Plan, drawing number WN023-0165-STN-ZZ-ZZ-DR-T-0001 Rev. P02
(bb) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 0m – 1000m, drawing numberSZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1012 Rev. P02
(cc) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 1000m – 2000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1013 Rev. P02
(dd) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 2000m – 3000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1014 Rev. P02
(ee) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 3000m – 4000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1015 Rev. P02

(ff) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 4000m – 5000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1016 Rev. P01

(gg) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 5000m – 6000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1017 Rev. P01

(hh) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 6000m – 7000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1018 Rev. P01

(ii) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 7000m – 8000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1019 Rev. P01

(jj) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 8000m – 9000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1020 Rev. P01

(kk) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 9000m – 10000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1022 Rev. P02

(ll) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 10000m – 10754m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1022 Rev. P02

(mm) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 3000m – 4000m, drawing number WN023-0165-STN-51-04-DR-T-0002 Rev. P02

(nn) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 4000m – 5000m, drawing number WN023-0165-STN-51-05-DR-T-0005 Rev. P01

(oo) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 5000m – 6000m, drawing number WN023-0165-STN-51-05-DR-T-0006 Rev. P01

(pp) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 6000m – 7000m, drawing number WN023-0165-STN-51-05-DR-T-0007 Rev. P01

(qq) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 7000m – 8000m, drawing number WN023-0165-STN-51-05-DR-T-0008 Rev. P01

(rr) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 8000m – 9000m, drawing number WN023-0165-STN-51-06-DR-T-0005 Rev. P01

(ss) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 9000m – 9750m, drawing number WN023-0165-STN-51-06-DR-T-0005 Rev. P01

(tt) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 9750m – 10638m, drawing number WN023-0165-STN-51-06-DR-T-0006 Rev. P02

(uu) Preliminary Rout Plan (P25), drawing number WN023-0165/00/GIS/1028

(vv) River Skerne Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-701 Rev. P02

(ww) River Skerne Strategic Crossing – Location Plan, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-700 Rev. P02

(xx) River Skerne Strategic Crossing – Proposed Temporary Access Route, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-023 Rev. P03

(yy) East Coast Mainline Strategic Crossing – Drive Shaft (West Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-803 Rev. P02

(zz) East Coast Mainline Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-800 Rev. P01

(aaa) East Coast Mainline Strategic Crossing – Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-802 Rev. P01

(bbb) East Coast Mainline Strategic Crossing – Reception Shaft (East Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-804 Rev. P02

(ccc) Tees Valley Railway Strategic Crossing – Drive Shaft (East Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-603 Rev. P02

(ddd) Tees Valley Railway Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-600 Rev. P01

(eee) Tees Valley Railway Strategic Crossing – Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-602 Rev. P01

(fff) Tees Valley Railway Strategic Crossing – Reception Shaft (West Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-604 Rev. P02

(ggg) Typical Pipe Trench Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-001 Rev. P03

(hhh) Typical Stank Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-004 Rev. P02

(iii) Typical Haul Road, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-005 Rev. P02

(jjj) Typical Thrust Block – Bends, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-006 Rev. P02

(kkk) Typical Thrust Block, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-007 Rev. P02

(lll) Typical Lagoon Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-008 Rev. P02

(mmm) Proposed Typical Elevations of Temporary Cabins, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-YO1-009 Rev. P02

(nnn) Typical Air Valve Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-010 Rev. P01

(ooo) Typical Washout Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-011 Rev. P01

(ppp) Typical Line Valve Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-012 Rev. P01

(qqq) Typical Arrangement of Kiosk Type A Plan and Elevations, drawing number WN023-0165-STN-XX-XX-DR-T-0001 Rev. P02

(rrr) Typical Arrangement of MCC Kiosk Type B Plan and Elevations, drawing number WN023-0165-STN-XX-XX-DR-T-0002 Rev. P02

(sss) Standard Details Typical Ditch and Stream Crossing, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-016 Rev. P01

(ttt) Typical Cathodic Protection Anode Ground Bed Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-017 Rev. P01
(uuu) Typical Cathodic Protection Installation Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-018 Rev. P01
(vvv) Typical Main Compound and Logistical Area, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-020 Rev. P02
(www) Typical Tunnelling Compound Layout (Launch and Reception Compounds), drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-021 Rev. P01

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

3. Prior to any development taking place a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

   REASON – To ensure the development is carried out in accordance with the approved documents and to allow for the development to be carried out in phases.

4. Prior to the commencement of any part of the development or any works of demolition within a particular phase as identified under Condition 3, a Construction Environmental Management Plan (CEMP) for that phase which is in genera accordance with the Framework Construction Environmental Management Plan submitted with the application shall be submitted to and to approved in writing by the Local Planning Authority. The CEMP shall include the following, unless the Local Planning Authority dispenses with any requirement(s) specifically and in writing:

   (a) Details of the dust control measures to be put in place during the construction phase of the development taking into account the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" January 2024. This shall be incorporated into a Dust Management Plan.
   (b) Methods for controlling noise and vibration during the 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". This shall be incorporated into a Construction Noise and Vibration Management Plan (including a specific section relating to the proposed tunnelling works) and shall include information on the temporary noise barrier to be installed (design, height, location(s)), as well as the site compounds.
   (c) Details of measures to prevent and manage pollution and to prevent mud and other such material migrating onto the highway.
   (d) Designation, layout and design of construction access and egress points
   (e) Details for the provision of directional signage (on and off site)
   (f) Details of contractors' compounds and parking, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary

infrastructure and their removal upon completion of the construction phase of development

(g) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

(h) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period

(i) Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), and measures to control timings and routings of deliveries and construction traffic (including abnormal loads);

(j) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

(k) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works including a Site Waste Management Plan

(l) Public rights of way management plan

(m) Measures for liaison with the local community and procedures to deal with any complaints received

Thereafter the approved Construction Environmental Management Plan for each phase shall be adhered to throughout the construction phase and the approved measures shall be retained for the duration of the construction works in each phase.

REASON – In the interests of highway safety and residential amenity

5. Prior to development commencing within a specific phase as identified under Condition 3 a detailed method statement describing any proposed watercourse/field drain crossings and reinstatement within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

   REASON – To ensure suitable crossings are in place that do not result in damage to watercourses.

6. No construction activities (with the exception of tunnelling works), including the use of plant and machinery (including generators), as well as deliveries to and from the site, shall take place outside the hours of 07.00 – 18.00 Monday to Friday, 07.00 – 14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

   REASON – In the interest of residential amenity

7. No development within a specific phase as identified under Condition 3 shall take place until details of the working corridor within the application site for that phase have been

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON – In the interests of highway safety and residential amenity

8. No development within a specific phase as identified under Condition 3 shall take place until details of any temporary works in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

   REASON – In the interests of highway safety and residential amenity

9. No construction work shall take place, nor shall any site cabins, materials or machinery be brought on site within a specific phase as defined by Condition 3 until all trees and hedges to be retained within that phase are protected in accordance with the details contained within the approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report relating to that phase.

   REASON – In the interests of the visual amenity of the area

10. No development shall take place within a specific phase as identified under Condition 3 until an asbestos specialist has been consulted and provided an assessment report relating to risks and to any required mitigation or remediation measures associated with asbestos identified in soils close to the Tees Valley Railway crossing. The report and any scheme of mitigation/remediation is to be submitted to the Local Planning Authority for approval in writing.

    REASON - 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 risk to receptors, in accordance with Darlington Local Plan Policy DC1.

11. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance.

    REASON – 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 risk to receptors, in accordance with Darlington Local Plan Policy DC1.

12. Prior to its installation, details of any external lighting proposed as part of any phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall not be installed otherwise than in complete accordance with the approved details.

    REASON – In the interests of visual and residential amenity

13. Prior to the commencement of development within a specific phase as identified under Condition 3, a Construction Traffic Management Plan (CTMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented prior to the commencement of and for the entire duration of construction activities within the phase to which it relates.

    REASON – In the interest of highway safety

14. No development shall take place within a specific phase as identified under Condition 3 until a Written Scheme of Investigation setting out a phased programme of archaeological evaluation in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' for that phase has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works, in sufficient time to inform the production of an Archaeological Management Plan.

    REASON – To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework, 2024. This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

15. No development shall take place within a specific phase as identified under Condition 3 until an Archaeological Management Plan (AMP), in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' for that phase has been submitted to and approved in writing by the Local Planning Authority. The AMP will set out the strategy for the preservation, investigation, and recording of heritage assets in the development area, including the provision made for analysis, publication and dissemination of results, and archive deposition. The development will then be carried out in accordance with the AMP.

    REASON – To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework, 2024. This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

16. No part of an individual phase of the development shall be brought into beneficial use until the post investigation processes have been completed in accordance with the approved Archaeological Management Plan, and confirmed in writing to, and approved by, the Local Planning Authority.

    REASON – To comply with Paragraph 218 of the National Planning Policy Framework, 2024, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gather becomes publicly accessible.

17. No development shall take place within a specific phase as identified under Condition 3 until a working method statement to cover all construction work within and/or adjacent to all waterbodies within that phase has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall cover the following requirements:
    - Timing and duration of works
    - Methods used for all in-channel, bankside, and floodplain works, including a detailed fish rescue plan for relevant sites which specifies pump sizes and screen size
    - Machinery (location and storage of plan, materials and fuel, access routes, access to banks etc)
    - Protection of areas of ecological sensitivity and importance
    - Site supervision
    - Bunding of potential pollutants
    - A pollution prevention plan
    - A silt management plan

    Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

    REASON – The ensure that the construction phase of the proposed development does not adversely affecting water dependent species and habitats within the Skerne and associated tributaries or impact the hydro-morphology of the watercourse.

18. No development shall take place within a specific phase as identified under Condition 3 until a plan detailing the protection of otter and water vole, and their associated habitat, within that phase has been submitted to and approved in writing by the Local Planning Authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority. The species protection plan shall be carried out in accordance with a timetable for implementation as approved. The elements

outlined in the 'Ecological Protection Measures' section of the submitted framework Construction Environment Management Plan (CEMP) should be provided as part of the completed CEMP and adhered to in full, including:

- A pollution prevention plan, including emergency spill procedure
- An erosion prevention and sediment management plan
- A drainage plan
- Mammal and amphibian pre-works checks prior to vegetation clearance
- Provision/details of an Ecological Clerk of Works (ECoW) on site during works
- Provision/details of toolbox talks for operatives relating to protected species and habitats
- An ecologically sensitive flume design based on CIRIA guidance
- A robust INNS (Invasive Non-Native Species) management plan, to include measures addressing signal crayfish *Pacifastacus leniusculus* and crayfish plague, and those species listed as present within the Ecology chapter of the ES
- Reinstatement of riverbanks to original slope where relevant

REASON – In order to protect the ecological value of the site in accordance with Darlington Local Plan Policy ENV7.

19. No development shall take place within a specific phase as identified under Condition 3 until a Landscape and Ecology Maintenance and Management Plan (LEMP) for that phase is submitted to and approved in writing by the Local Planning Authority. The LEMP should also set out details for the restoration of each phase of development. Thereafter the development shall be carried out in accordance with the approved LEMP.

    REASON – In the interests of the visual amenity of the area and to comply with the requirements of Local Plan Policies DC1, ENV7 and ENV8.

20. Prior to development commencing within a specific phase as identified under Condition 3 full engineering details of any new site accesses to be formed serving that phase, together with details for the removal and restoration of these access points following completion of the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be completed in accordance with the approved details.

    REASON – In the interests of visual amenity and highway safety.

21. Prior to the set-up of any specific site compounds, site laydown areas, lagoons or watercourse crossings, details of those specific compounds, pipe laydown areas, lagoons and watercourse crossings, shall be submitted to any approved in writing by the Local Planning Authority. Thereafter the works shall be completed in accordance with the approved details and the identified mitigation measures shall remain in place for the duration of the construction phase of the development.

REASON – In the interest of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development.

22. Prior to the erection of any ancillary structures including kiosks to house electrical monitoring and control equipment, telemetry and cathodic protection requirements, details of the precise number and location of these structures, including their external appearance and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

    REASON – In the interests of visual amenity

23. The development hereby approved shall be carried out in accordance with the measures set out in Section 5 'Soil Management' of the 'Tees and Central Strategic Transfer Mains – Phase 2 Agricultural Land Classification and Soil Management Plan' dated June 2024 and prepared by Mott McDonald.

    REASON – To comply with Part 15 of the National Planning Policy Framework, 2024.

24. The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
    (a) Description and evaluation of the features to be managed;
    (b) Ecological trends and constraints on site that may influence management;
    (c) Aims, objectives and targets for management, links with local and national species and habitat action plans;
    (d) Description of the management operations necessary to achieving aims and objectives;
    (e) Description for management actions;
    (f) Preparation of a works schedule, including annual works schedule
    (g) Details of the monitoring needed to measure the effectiveness of management;
    (h) Details of the timetable for each element of the monitoring programme;
    (i) Details of the persons responsible for the implementation and monitoring;
    (j) Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
    (k) Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

    REASON – To enhance biodiversity in accordance with Darlington Local Plan Policy ENV8 and the National Planning Policy Framework, 2024

25. The development hereby approved shall be carried out in accordance with the submitted flood risk assessment (Tees and Central Pipeline Strategic Transfer Mains –

Phase 2: Flood Risk Assessment, dated October 2024, prepared by Mott McDonald) and the mitigation measures specified therein. These mitigation measures shall be fully implemented prior to the beneficial use of the pipeline and subsequently in accordance with the scheme's timing/phasing arrangements, and shall be retained and maintained for the lifetime of the development.

REASON – To reduce the risk of flooding elsewhere and to comply with Darlington Local Plan Policies DC2 and DC3.

26. No development within a specific phase as identified under Condition 3 shall take place until details of any stanks including their positions within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

    REASON – In order to prevent flooding elsewhere by reducing the ability of water to migrate along the pipe trench.

27. The applicant shall enter into a deed of consent with National Gas prior to any permanent changes being made to the easement for the high-pressure gas pipeline which runs through the site and meet the requirements as set out in the National Gas consultation response dated 4th February 2025.

    REASON – To safeguard the high-pressure gas pipeline that runs through the site.

**INFORMATIVES**

**Highways**

**Section 184 Crossover**

The applicant is advised that where works are required within the public highway to construct a new or upgrade an existing vehicle crossing, contact must be made with the Assistant Director – Highways, Design and Projects to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works HighwaysStreetLightingDefects@darlington.gov.uk

**Section 59**

The developer is required to enter into an agreement under Section 59 of the Highways Act 1980 prior to the commencement of works on site. Where Darlington Borough Council, acting as the Highway Authority, wish to safeguard the public highway from damage caused by any construction traffic serving your development. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.

**Temporary Speed Limit**

Prior to the commencement of the development the applicant is advised that contact must be made with the Assistant Director – Highways, Design and Projects (contact Mrs

P McGuckin 01325 406651) to discuss the advertising and associated cost of implementing a Temporary Traffic Regulation Order (TTRO) to enable a reduced speed limit in the vicinity of the site accesses.

**Biodiversity Gain Plan Condition**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

(a) A Biodiversity Gain Plan has been submitted to the planning authority; and

(b) The planning authority has approved the plan

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Darlington Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

**Land Drainage Consent**

The applicant's attention is drawn to the Land Drainage Act 1991 section 23 whereby Darlington Borough Council's consent is required in its capacity as Lead Local Flood Authority prior to any modification to or interference with flow in any Ordinary Watercourse. Furthermore, within agricultural land it is possible that land drainage assets may be encountered that may be susceptible to damage or need to be diverted, infilled, etc. Land Drainage Consent must also be obtained prior to any modification to or interference with any of these drainage assets (Ordinary Watercourses) that may affect flow is these assets. Contact llfa@darlington.gov.uk

**Environment Agency**

**Environmental permit – Advice to Applicant**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- On or within 16 metres of a sea defence
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- In the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am – 6pm) or by emailing enquiries@environment-agency.gov.uk

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity

**Network Rail**

**Fail safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 4.0m of the railway boundary.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity, etc. which needs to be agreed by the Asset Project Manager prior to implementation.

**Excavations/Earthworks/Underground Workings**

All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Asset Protection.

Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may be affecting underground workings next to the railway, consultation with the Asset Protection Engineer and the Network Rail Principal Mining Engineer should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

**Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Interface Manager.

**Demolition**

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Interface Manger before the development can commence.

**Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the railway undertaker prior to the commencement of works Where the works have the potential to introduce ground movements, Network Rail may require the monitoring of track and other assets, the work shall only be carried out in accordance with the approved method statement and design.

**Scaffolding**

Any scaffolding which is to be constructed within 10 metres of the railway boundary fence and has the potential to collapse within 4 metres of the Network Rail boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. Approval of the method statement and design must be obtained from Network Rail's Asset Protection Engineer.

**Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge Strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Interface Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

**Abnormal Loads**

From the information supplied, it is not clear if any abnormal loads will be using routes that include Network Rail (e.g. bridges and level crossings). Network Rail would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include their assets. Network Rail would request that the applicant contact our Asset Protection Interface Manager to confirm that any proposed route is viable and to agree a strategy to protect their asset(s) from any potential damage caused by abnormal loads. Where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

**Two Metre Boundary**

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision, and other facilities necessary when working from or on railway land.

**Encroachment**

The development/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing onto Network Rail airspace, and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass which is a criminal offence. Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

**Access to the Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development

**Asset Protection Eastern**

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk

**Land Information**

For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk

**Property Services**

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyserviceslneem@networkrail.co.uk