

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Development Plan - current status**

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several city wide and strategic policies and objectives, which when appropriate will be identified.

## **STANDARD CONDITIONS**

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the City Development Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre

Executive Director City Development

<b>Reference No</b>	21/00401/HE4
<b>Proposal</b>	Erection of industrial units for light industrial, general industrial and storage distribution uses with ancillary office floorspace, associated access, landscaping, parking and service yards
<b>Location</b>	Land to the west of Infiniti Drive, Washington
<b>Ward</b>	Washington North
<b>Applicant</b>	Legal & General Property Partners Ltd
<b>Date Valid</b>	15 March 2021
<b>Target Date</b>	5 July 2021

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## Proposal

The application seeks full planning permission for the

“Erection of industrial units for light industrial, general industrial and storage distribution uses with ancillary office floorspace, associated access, landscaping, parking and service yards”

on land to the West of Infiniti Drive, Washington

The site lies towards the east of Washington; north of the A1231, east of Peel Retail Park and immediately west of Vantec. The site has an irregular shape covering around 10.4 hectares and currently lies vacant.

The proposed development would provide 45,852 square metres of total gross internal floorspace for light industrial, general industrial and storage distribution uses with ancillary office floorspace. There would be eight detached units on the site, with a maximum height of 18.64 metres and the proposed construction materials include cladding and metal panels for the walls and steel cladding for the roof. The proposed pedestrian and vehicular accesses would be off Infiniti Drive.

The application has been submitted with an Environmental Statement (ES); prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (‘the Regulations’). The chapters within the ES include drainage, ecology and highways.

The application has also been submitted with other documents and plans that are not part of the ES; such as information covering ground conditions.

The National Planning Policy Guidance, at ID 4-002-20140306, says that

“The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.”

The Guidance continues, at ID 4-003-20170728, that

“The Environmental Statement must include at least the information reasonably required to assess the likely significant environmental effects of the development...”

Officers would advise that the ES meets the requirements of Regulation 18 of the Regulations – i.e. the document has been prepared by competent experts and includes information reasonably required to assess the likely significant environmental effects of the development.

The Agent submitted, at the end of April, additional information covering groundworks. The Local Planning Authority, upon receipt, undertook a re-consultation exercise with the land contamination consultant.

The Agent thereafter, from mid-May until early July, submitted further information for the Environmental Statement; including matters relating to

- Drainage (amended Drainage Strategy)
- Highways (additional information comprising a Transport Assessment Addendum)
- Plans (a reduction to the footprint of unit 2, as shown via amendments to the masterplan and detailed site plans).

The Local Planning Authority, in accordance with Regulation 25(1) of the Regulations, suspended determination of the application for at least 30 days and undertook additional publicity (including press and site notices) and re-notified the relevant consultee bodies (such as Highways England). The Local Planning Authority also prepared an explanatory note so that any reader of the ES could understand the amendments which have been submitted.

The Agent subsequently submitted further information, at the end of July, including a “Clarification Note” for ecology and amended landscape plans to reflect the previous changes to unit 2. The Local Planning Authority, upon receipt, undertook a consultation with the Council’s ecology consultant.

The Agent thereafter submitted further information, during early-mid August including

- Additional plans showing the first floor plan of unit 1 and the roof plan of unit 7
- Amendments to the plans (cut & fill, site levels and tree protection), showing the reduction in the footprint of unit 2 (as shown in the amended Masterplan, submitted early July).
- Amendments to the Drainage Strategy, generally relating to matters concerning the location of drains and the pollution control measures.
- A Briefing Note (including a subsequent update) providing a response to questions raised by the Council’s ecology consultant.

The Agent also submitted a further Briefing Note which gave consideration as to whether the additional / amended information, submitted end of July-mid August, would require a further 30 days publicity; under the provisions of Regulation 25(1). The submitted Note draws to attention that the information has been submitted to “provide evidence to verify information within the environmental statement in relation to the topics of water environment and ecology”. The Note also says that the “potential and residual effects set out in the Water Environment Chapter of the ES have not changed” and that the “findings of the Ecology Chapter of the ES remain valid and therefore the information was not directly relevant to the LPA reaching a reasoned conclusion on the likely effects of the proposed development on ecology”. The Note concludes by saying that the “information submitted in relation to ecology and drainage matters, does not

constitute 'further information' as described in Regulation 25 (1) and there is therefore no requirement to formally reconsult for a 30 day period following the submission of the relevant information".

Officers would agree with the comments within the Note above. The additional / amended information, submitted late July-mid August, effectively provides a response to questions raised by the Council's ecology consultant and Lead Local Flood Authority. The information does not relate to the adequacy or the conclusions reached within the ES.

The additional information, submitted late July-mid August, also includes small additions / amendments to the submitted plans. The amendments ensure the plans concerning site levels and trees accord with an earlier amendment to the Proposed Masterplan reducing the size of unit 2. They also include the first floor plan for unit 1 and a roof plan for unit 7. Officers consider that these additions / amendments are clarifications to the previously submitted plans and would not, of themselves, constitute further information that would require a 30 day publicity period.

Officers overall do not consider that the additions / amendments, submitted since late July-mid August, constitute further information that would require a 30 day publicity period; in accordance with Regulations 25(1).

The report below has been written on the basis of these additions / amendments to the application and Environmental Statement.

## **Publicity**

Neighbour notifications (102 properties): 16 March and 14 July 2021.

Press notice (Sunderland Echo): 19 March and 21 July 2021.

Site notices: 9 April and 14 July 2021.

## **Consultations**

Ward Councillors: Washington North

Council Officers: Archaeology, Business Investment, Environmental Health, Lead Local Flood Authority, Local Highway Authority, Watermans (land contamination consultant)

Regional: Ambulance Service, Chief Fire Officer, Gateshead Council, Nexus, Northern Electric, Northern Gas Networks, Northumbria Police, Northumbrian Water, South Tyneside Council

National: Coal Authority, Environment Agency, Highways England, Historic England, Natural England, Network Rail (estates and planning).

## **Representations**

None received.

## **Policies**

Core Strategy and Development Plan (2015-2033):

SP7, HS1, HS2, HS3, HS4, EG1, BH1, BH2, BH8, BH9, NE2, NE3, WWE2, WWE3, WWE4, WWE5, SP10, ST2, ST3

Unitary Development Plan (1998): T16

Draft Allocations and Designations Plan (2020): NE14

## **Other Relevant Documents**

Landscape Character Assessment (2015)

Low Carbon Framework (2020)

Low Carbon Action Plan (2020)

## **Planning History**

Reference: 15/00039/FU4

Description: Erection of a new 40,500sqm B8 warehouse facility with 475sqm first floor offices, together with associated ancillary buildings, external yard and parking areas, hard and soft landscaping, perimeter fencing, utility diversions, site set up compounds and temporary haul road with associated access on to A1290. (Amended Site Set Up Plan received 18.02.2015 and Amended Environmental Statement received 20.02.2015).

Officer comments: The above approval relates to the Vantec facility, immediately adjoining the site. Other than an expired temporary haul road, the planning permission does not include any land associated with the current application.

Reference: 15/00052/LAP

Description: Construction of a new spine road and formation of new access onto the A1290 Washington Road and associated infrastructure; the construction of temporary access onto the A1290, haul road and construction compound. (Amended Plans received 17.02.15 and Amended Environmental Statement received 20.02.15).

Officer comments: The above relates to highway infrastructure, essentially Infiniti Drive. The Landscape Masterplan, approved via discharge of condition (ref: 15/01061/EDI) shows ecology mitigation on the site subject to the current application. The matter will be given further consideration in the ecology section.

Reference: 15/02116/LP3

A19 Enterprise Zone - Phase 2 Highways Infrastructure. Comprising:- (i) Upgrading of Nissan way to dual carriageway; (ii) Construction of new Nissan way- A1290 link road and hard standage area; (iii) Construction of new Turbine way / Barmston Lane link road; including stopping ups and diversions of highway / bridleway and associated landscaping works.

Officer comments: The above approval relates to further highway infrastructure; essentially a connection from Infiniti Drive to Nissan Way to the east. The Landscape Masterplan, approved via discharge of condition (ref: 16/00953/EDI), shows ecology mitigation on the site subject to the current application. The matter will be given further consideration in the ecology section.

Reference: 17/02085/MW4

Construction and operation of a Renewable Energy Centre for the recovery of energy from non-hazardous residual waste using an Advanced Conversion Technology (gasification) with associated works including, but not limited to, the provision of plant, infrastructure and a new vehicular access from Infiniti Drive and the installation of an underground electrical connection. (Additional Information Submitted 29.11.2018).

Officer comments: The above application was refused by the Local Planning Authority and the appeal subsequently withdrawn. The application therefore does not require any further discussion.

18/02195/FU4

Erection of a Manufacturing/ Warehouse Unit of B2/B8 use classes with ancillary office space over 2 storeys (Use Class B1) with access, car parking, landscaping, servicing, substation and associated infrastructure works.

Officer comments: The above application has been withdrawn and therefore does not require any further comment.

20/01879/SCO

Scoping Opinion for industrial development at Hillthorn Park.

Officer comments: The above request covered both the site subject to the current application and a piece of land to the east of Infiniti Drive. The Opinion confirmed that the development described within the Scoping request would be EIA development.

## **Comments**

### Principle

The Core Strategy and Development Plan ("Core Strategy"), via policy EG1, allocates the site as a "Primary Employment Area" called "Hillthorn Farm (PEA 10)". The policy says the site, amongst others, will be "safeguarded for B1 (Business – excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses".

The submitted application form says, at box 19, that the proposed uses are "other Combination of Class B2 and Class B8 with ancillary offices".

The suggested description on the same form, at box five, describes the proposal as

"Erection of industrial units for light industrial, general industrial and storage and distribution uses with ancillary office floorspace, associated access, landscaping, parking and service yards"

The description of the proposal therefore widens the range of proposed uses from general industrial and storage / distribution to include light industrial.

The non-technical summary, submitted as part of the Environmental Statement (ES), also includes the description of the proposal found within the application form. Officers would therefore advise that the report below considers the application on the basis of the description which includes light industry.

Officers would advise that the “ancillary office floorspace” ranges within each unit from around 8.6-14.6%. Officers consider that these proportions, at less than 15% of the total floorspace, fall within the category of “ancillary”.

Given that the proposed development comprises light industrial, general industrial and storage and distribution uses with ancillary office floor space, the principle of the development accords with the development plan.

Officers would, however, advise that there has recently been an amendment to the Use Class Order. The amendment means that whilst general industrial and storage and distribution still fall within their respective categories of B2 and B8, “light industry” now falls within a new category called “Class E”. The new category, described as “commercial, business and service”, includes a wide range of uses; including shops, indoor sport and a creche. Officers would therefore advise that a condition should be attached to any planning permission, ensuring that the industrial units can only be used for the purposes described within the non-technical summary – i.e. only used for light industrial, general industrial and storage and distribution uses with ancillary office floorspace.

In terms of material considerations, the Council after the adoption of the Core Strategy adopted a “Low Carbon Framework”. The Framework says “Sunderland is committed to playing its part in tackling the global climate change emergency” and that “we are proposing to embed climate change and carbon neutrality throughout our city”. The Framework specifically says that

“local planning policies have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy”

The determination of the application using the policies within the Core Strategy therefore means that the recommendation will also align with the Low Carbon Framework.

The Council, after the adoption of the Low Carbon Framework, adopted a “Low Carbon Action Plan” which has “been prepared to align to the Sunderland Low Carbon Framework”. The Plan says that it “sets out where Sunderland City Council needs to go and focusses on the actions we can start to take now”. The Plan provides “Strategic Priorities” which will be given consideration in the relevant sections below (such as drainage).

In summary, the principle of the proposal accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended condition concerning the use of the industrial units.

The detailed impacts, including consideration of previous planning permissions and the detailed provisions of the Low Carbon Framework, will be given consideration below.

## Amenity

In terms of air quality, the submitted Air Quality Assessment says that the “baseline air quality in the vicinity of the proposed development is... considered to be good”. The Assessment concludes that the residual impacts during construction and operation would be “negligible and not significant”.

In terms of noise, the submitted Noise and Vibration chapter of the ES says that the closest Noise Sensitive Receptors are the dwelling houses approximately 100 - 155 metres from the site. The chapter says the

"potentially significant noise effects associated with the proposed development are... limited to road traffic noise from the construction and operational phases, and noise from operation of the units of the proposed development, comprising fixed and mobile plant”.

The chapter identifies that during construction a Construction Environment Management Plan (CEMP) will “detail a number of measures to limit noise and vibration” so that “adopted criteria... are met throughout all stages of the works”. The chapter does, however, identify that noise from construction activities would be minor adverse for Severn Houses (the dwelling houses to the north east of the site) and that noise from construction traffic would be minor adverse for all three Nearest Sensitive Receptors (i.e. Cherwell, Horsely Road and Severn Houses). The Cherwell and Horsely Road receptors are the dwelling houses to the North West and South of the site.

The chapter continues by saying that during operation the impacts from on site activities would be minor adverse at Severn Houses and that noise from road traffic would be minor adverse for all three Nearest Sensitive Receptors.

The Environmental Health Officer (EHO) has advised that they consider the “proposed development is acceptable”; subject to conditions covering air quality (process that fall within the regime of Pollution Prevention and Control), construction (Construction Environment Management Plan) and noise (details of fixed plant).

The EHO has specifically advised that “predicted noise levels at the sensitive receptors are considered to be acceptable” and that “it is agreed that vibration issues associated with the operation of the development are not anticipated to be significant”. The EHO has further advised that “no exceedances of the annual mean Air Quality Standards are expected for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at any of the existing human receptors within the study area”.

In terms of general amenity, the proposed development would not appear to lead to a material loss of day light or privacy for the occupiers of nearby land and buildings; nor would the size of the proposed buildings appear dominant or oppressive.

Other than the minor adverse noise impacts during construction and operation, the proposal would accord with policies SP7(6)(v), HS1 and HS2 of the Core Strategy and there are not any material considerations that indicate otherwise.

The minor adverse noise impacts during construction and operation will be given consideration in the conclusion at the end of the report.



## Climate Change

The Core Strategy and Development Plan (2015-2033) says, at policy SP1, that the strategy “seeks to deliver this growth and sustainable patterns of development by... minimising and mitigating the likely effects of climate change”.

The submitted ES includes a Climate Change chapter. The chapter identifies that the emissions during construction, including those from emissions from plant and the production of materials, would be minor adverse. The chapter continues by advising that emissions during operation, including from gas heating and electricity supply, would also be minor adverse.

These minor adverse impacts will be given consideration in the conclusion at the end of the report.

## Design

The submitted Design and Access Statement says:

“The building form is simple and well-proportioned for a building of this type where clear internal heights and volumes are required. The proposed layout maximises the internal space available.

The buildings have been designed to combine contemporary materials with crisp, modern and simple detailing with the use of various cladding profiles and colours within a considered palette. These materials will be used to create a strong, clear and high-quality appearance.

By breaking up the elevation through the use of different coloured sections, different cladding types and areas of curtain walling, it has helped to reduce the scale of the building visually as well as define certain functions of the building from the exterior”.

The scheme uses a variety of trees, shrubs and native species which will combine to create varied and attractive landscape for the proposal to sit within.”

The immediate context includes modern buildings within the retail park to the west and the infrastructure of the railway line to the west. A large modern building lies immediately to the east of the site, currently occupied by Vantec. The site also lies just to the north of a dual carriageway, the A1231.

Officers consider that, within the above setting of modern buildings and infrastructure, the proposed industrial buildings would sit comfortably within their immediate context.

The Applicant has also stated that the proposed development would follow the principles of “Secure by Design”; including 2.4 metre fences, ductwork for potential CCTV and cycle storage. The Police Architectural Liaison has advised such following of Secure by Design “discharges my concerns regarding security”. The Agent has recently submitted an amendment to the Proposed Masterplan showing the security fencing.

In the absence of any material considerations to the contrary, the proposal accords with policy BH1 of the Core Strategy; subject to the recommended conditions.

## Drainage

The Water Environment chapter of the ES identifies that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The chapter also identifies the existing risks are low for surface water, groundwater and sewers / drainage systems; with the risk to infrastructure to be “no risk”.

The chapter says that during construction there would be “on-going disruption to the site’s drainage regime prior to the completion of the surface water drainage system”; albeit that “good construction practise measures are set out in a Framework CEMP and will be fully implemented to minimise the impact of the disruption to the site’s drainage regime”. The chapter identifies these residual impacts as “minor adverse”.

The chapter continues by saying that during the operational phase the “surface water drainage strategy will limit the development discharge to the required greenfield runoff rates” and “thus will have beneficial effects on flood risk”. The chapter also says that the “proposed surface water drainage system is designed to incorporate pollution control measures”. The chapter identifies the residual impacts during the operational phase as “moderate beneficial”.

The Agent has, following initial consultation feedback from the Lead Local Flood Authority (LLFA), submitted three amendments to the Drainage Strategy. The LLFA have advised that the most recent Strategy means they “suggest that this application could be approved with a standard verification condition”.

The application form identifies that foul sewage would be disposed of to the “mains sewer”. Northumbrian Water have advised that they “request that the planning application, if approved, lists the submitted drainage plans and Flood Risk Assessment / Drainage Strategy as approved documents”.

In terms of material considerations, one of the Actions within Low Carbon Action Plan says that in “Minimising all types of flood risk”... “Development Management to ensure all applications minimise the risk of flooding across the city”. Officers would draw to attention that the Agent has submitted a detailed Drainage Strategy to the satisfaction of both the LLFA and Northumbrian Water.

In the absence of any other material considerations to the contrary, the proposal accords with policies WWE2 – WW5; subject to the recommended conditions.

## Ecology

Officers would initially draw to attention that the Natural Environment and Rural Communities Act 2006, at Section 40, which states that:

"The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

Officers would further draw to attention that the Council recently undertook a consultation exercise, from 18 December 2020 – 12 February 2021, for a “Draft Allocations and Designations Plan”. The Plan, via policy NE14, includes an allocation for the northern area of the site to be “part of the Wildlife Network”. The policy states “land is designated which forms part of the Wildlife Network, as shown by the Policies Map.”

The provisions of the National Planning Policy Framework, at paragraph 48, are therefore relevant; which states that

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

In terms of the above,

- a) there has recently been a consultation undertaken for the Draft Allocations and Designations Plan which means the plan can be given consideration as being somewhat advanced.
- b) the Strategic Plans and Housing Team have advised that they have not been able to identify any representations for the part of the site which lies within the proposed Wildlife Network; albeit there have been representations for other pieces of land covered by the draft policy.
- c) The Plan, at paragraph 1.7, says “The Plan has been prepared in accordance with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and legislation”.

Officers therefore consider that the draft allocation can only be given very limited weight as there are unresolved objections from those with an interest in other pieces of the land that would form part of the proposed Wildlife Network.

The Ecology chapter of the submitted ES identifies that the site “is not located within any statutory designated site for nature conservation” and lies more than 8km from the “nearest European designated sites: the Northumbria Coast SPA and Northumbria Coast Ramsar site; and Durham Coast SAC”.

The chapter continues by saying there are “eight statutory designated sites within a 5km radius of the site boundary” and a subsequent table identifies these as a subsistence pond 300 metres to the east (Barmston Pond LWS), a disused quarry 3km to the south (Dawsons Plantation Quarry SSSI), an ancient woodland 3km to the east (Hylton Dene LNR), unimproved natural grassland 3.5km to the east (Hylton South Pasture SSSI), a disused quarry 4km to the east (Claxheugh Rock & Ford Limestone Quarry SSSI), limestone grassland 4.3km to the south east (Hastings Hill SSSI), a pond within a disused quarry (Pelaw Quarry Pond LNR) and limestone grassland 5km to the south (Herrington Hill SSSI).

The same chapter also identifies that the site “is also not part of any non-statutory designated site”. A subsequent table identifies the nearby Local Wildlife Sites as a pond 0.3km to the east (Barmston Pond LWS / LNR), a further site 0.2km to the north east (Severn Houses), a plantation 1.2km east (Hylton Plantation), a plantation 0.9km to the east (Peepy Plantation), a pond 1.8km to the north (Usworth Pond), a wildfowl centre 1.7km south east (Washington Wildfowl Centre), a woodland 1.8km south east (Wear River Bank Woods) and a pond 1.8km south east (Willows Pond).

The chapter continues by identifying that the site “is dominated by species poor semi improved grassland with areas of tall ruderal vegetation and hard standing/bare ground accompanied by ephemeral species” and that there “are no mature trees on site”. The chapter summarises by saying that “Overall the site comprises common and widespread habitats of relatively low ecological value, of value primarily for the faunal species they may support”.

In terms of birds, the chapter says: “The open grassland and ephemeral and ruderal vegetation present across much of the site has potential to provide breeding opportunities for ground nesting species such as skylark” and that “Overall the site is considered to provide low value breeding habitat for birds and is largely unsuitable to regularly support important wintering flocks (such as geese)”.

In terms of bats, the chapter says there are “no features within the site with potential to support roosting bats and the site is therefore considered to provide negligible roost suitability”, the “site is considered to provide low habitat value for bats” and would be “unlikely to provide an important foraging resource for local bat populations”.

In terms of badgers, the chapter says that “No evidence of the presence of protected species... badger has been recorded”.

In terms of otter and water vole, the chapter says that “no signs of any of these species have been recorded on site from previous surveys” and that “Habitats on site are considered to be unsuitable for otter and water vole, largely lacking foraging opportunities or places for burrowing or resting up”.

In terms of amphibians (i.e. great crested newt, GCN), the chapter says that the “two constructed mitigation ponds and grassland habitat within the site provide some suitability for amphibians, including foraging great crested newts”, albeit “the ponds are not currently suitable for breeding”. The chapter concludes by saying that there would be a “very low probability of GCN being present within the proposed development area” and that “as a result, the site is not considered likely to support great crested newts”.

In terms of other species, the chapter says the site “is suitable to support a variety of invertebrate species typical of a semi-rural, previously disturbed/developed and partially industrialised location” and that “other species such as common and widespread reptile species, hedgehogs... and brown hare... may also be occasionally present”.

The chapter continues by identifying the potential impacts during construction as including “direct land take (habitat loss) to accommodate the proposed development” (including “breeding and foraging opportunities for a typical farmland bird assemblage”, “foraging habitat likely to be used by a variety of bird species” and “temporary disturbance and land take for construction, laydown areas and construction compounds (land restored thereafter)”. There are further impacts identified including “disturbance to, fragmentation or severance of connecting habitat or potential commuting routes within and adjacent to the site”, “disturbance and pollution (indirect effects such as noise and vibration, dust, pollution from surface water run-off)...” and the loss of two recently constructed ponds.

In terms of birds, the chapter considers that “Given the site location and availability of higher value habitat to the north, the loss of foraging and potential nesting habitat on site is considered to have Minor Adverse effects on local bird populations including farmland birds”.

In terms of bats, the chapter considers that there would be a “loss of low value foraging habitat” and the site “is not of sufficient value to form an important foraging resource”. The chapter considers the impact to be minor adverse.

In terms of water vole, the chapter considers that “The loss of two small on-site ponds (also considered currently to be unsuitable for water vole) during construction is not considered to have any potential to affect water voles” and there will be a “negligible magnitude impact on water vole populations”.

In terms of amphibians, the chapter considers that the ponds on site “were found to be of poor habitat suitability for great crested newts and, being dry at the time, unsuitable for presence/absence survey. It can be concluded that the ponds remain unsuitable for breeding and provide very limited opportunities for foraging” and assess the construction phase “to present a (very low) risk of inadvertent killing or injury to animals”. The chapter concludes that “effects on the favourable conservation status of the local population from land take and habitat loss associated with the proposed development are therefore assessed as being a negligible magnitude impact on a receptor of County value”.

The chapter subsequently considers impacts during operation, by saying “once operational, there will be no direct or indirect impacts on designated sites or wildlife networks additional to those identified during the construction phase, with no new habitat loss or disturbance” and that “no additional impacts on designated sites or local wildlife networks or interruption to habitat connectivity will occur during operation”. The chapter further says that “impacts on designated sites and wildlife networks are therefore assessed as neutral magnitude with Neutral effects which are Not Significant”.

The chapter continues, in terms of impacts during operation, by saying that there “will be no additional operational land take or habitat loss, other than that already identified under Construction, and as a result direct effects on habitats have been scoped out of further assessment. Similarly, off-site habitats will experience negligible magnitude impacts with Neutral effects which are Not Significant”.

The chapter also says, in terms of impacts during operation, that there would be a neutral impact upon birds, minor adverse for bats (light spill), negligible for water vole, negligible for amphibians and neutral / not significant for other species.

The chapter subsequently identifies mitigation during the construction phase including a Construction Environment Management Plan (CEMP), an advising ecologist maintaining a watching brief on site and vegetation clearance taking place outside the breeding season. The mitigation during operation includes a Landscape and Ecological Management Plan (LEMP) for the “long-term management of the landscape and habitats creation areas within the site”.

The Agent, in response to initial comments from the Council’s Ecologist, submitted a “Briefing Note”. The Note drew attention to paragraphs within the ES and said that absence an adopted Biodiversity Supplementary Planning Document means:

“There are currently no mechanisms available for the applicant to achieve BNG off-site as there is no strategy in place to determine opportunities for habitat enhancement and the costs and payment mechanisms to deliver such (ie: through a Section 106 Agreement, committing a payment towards habitat enhancement on third-party land including Council-owned).

The absence of such a strategy/mechanism should not hold up the determination of the current application as there is no policy basis to do so. It would bring significant uncertainty to the

delivery of the plan, in so far as it commits to the delivery of employment use development on allocated Employment Areas”.

Officers would, whilst agreeing with the Agent that there does not exist an adopted Biodiversity Supplementary Planning Document, draw to attention that the absence of such a document does not preclude an Applicant from exploring other mechanisms for delivering biodiversity net gain.

The Council’s ecology consultant has advised that they

“recommend that further consideration be given to how additional biodiversity enhancement might be secured consistent with planning policy NE2 and NE4 e.g. agreement of a financial contribution. We consider that this needs to be agreed in advance.”

The NPPF, as a material consideration, also says that planning decisions “should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity.”

Officers therefore consider that the absence of net gain, of itself, falls within the category of “minor adverse” and will be given consideration in the conclusion at the end of the report.

The Agent subsequently submitted an “Ecology Clarification Note”. The Note draws attention to the consideration of effects within the ES, provided further information upon birds, newts and bats (including downgrading the effect on birds from “minor adverse” as described within the ES to “negligible magnitude and a neutral effect which is not significant”) and advised that the proposal would be “consistent with the earlier landscape provisions for the Enterprise Zone Infrastructure Works”.

The Agent thereafter sent an e-mail which further downgraded the impacts upon birds to neutral by saying that “we can confirm that, the residual operational effect is neutral”.

The Application has therefore assessed the impacts upon birds as “minor adverse” (ES), “negligible magnitude” (Ecology Clarification Note) and “neutral” (e-mail from Agent). The Council’s ecology consultant has given consideration to all of the submitted information and advised that the impacts upon birds falls within the category of “minor adverse”. Officers would therefore advise that Members should consider the impacts upon birds to be “minor adverse”.

In terms of material considerations, South Tyneside Council have stated that:

“It seems irregular that the development proposal is on land which has mitigation ponds for Great Crested newt which will have needed to be provided under licence for impacts on newts from a previous development.

The proposed development site is within an inter-district wildlife corridor and will sever the link between Barmston pond within the corridor and the sites to the north leading into South Tyneside and Gateshead.”

The Council’s ecology consultant, in terms of the first paragraph from South Tyneside Council, has advised that:

“The wildlife corridor and ponds to the west of Infiniti Drive are included within the Masterplan for Sunderland Enterprise Zone. The development proposals include new ponds and are to provide the same amount of aquatic habitat as the existing ponds and will be designed to be

deeper with the aim of holding permanent water. On this basis and if delivered in advance this is potentially a positive change, though an increase in the extent of aquatic habitat would be preferred and more consistent with achieving biodiversity net gain.”

The Council's ecology consultant, in terms of the second paragraph from South Tyneside, has advised that:

“From a review of the policies map, the proposed plot 1 and associated parking area is located within a wildlife corridor, resulting in the loss of an area of the wildlife corridor. NE2 Biodiversity and Geodiversity, which sets out the Council's approach to biodiversity states ‘Development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor’.

The proposed landscaping will augment the Wildlife Network along the disused railway and the wildlife corridor along the A1231 will also be retained and enhanced, therefore maintain a link between Barmston Pond LNR/LWS and the disused railway. However there will be the permanent loss of a large area of the Wildlife Network in the north of the site, but it is considered that with planting along the disused railway the function of the Wildlife Network will not be compromised.”

Natural England have advised that they have “no objection”.

The Council's Ecology consultant has advised in terms of the two nature conservation sites within the vicinity, Barmston Pond LNR / LWS and Severn Houses LWS, that “neither of which will be directly affected by the scheme”. The consultant has further advised that there is a “wildlife corridor/network located within and adjacent to the site which will be directly impacted by the scheme” and that there is “a known great crested newt population in Severn House LWS and Barmston Pond LNR/LWS”.

The consultant has further advised that they do not agree with the ecology chapter of the ES which says there would be a temporary negligible effect on Wildlife Networks. The consultant considers that the “scheme results in the loss of an area allocated as a Wildlife Network in the northern part of the site which does not appear to have been considered and also results in severance of the wildlife corridor present within the site”.

The consultant has continued by advising that they are “satisfied that an appropriate ecological impact assessment has been provided”. The consultant has, however, also said that whilst the site “is of limited value for foraging bats... it would usually be expected that bat transect surveys / statics would be undertaken to inform the Ecological Impact Assessment”.

Officers would, in terms of the paragraph immediately above, draw to attention that the content of the Environmental Statement has been informed by a Scoping Opinion issued by the Local Planning Authority (albeit the Scoping request covered both the current site and land to the east of Infiniti Drive).

The ES says that there are “no features within the site with potential to support roosting bats and the site is therefore considered to provide negligible roost suitability”, the “site is considered to provide low habitat value for bats” and would be “unlikely to provide an important foraging resource for local bat populations”.

The ecology consultant has also issued a subsequent response which says they have “no ecological objections to the granting of planning permission subject to the setting of suitable

planning conditions". Officers would draw to attention that one of the recommended conditions seeks the submission of lighting strategy to retain areas for bat foraging.

The consultant has also advised that, in terms of the mitigation within the site for the previously approved road infrastructure, that they consider the

"landscaping shown on landscape plan Ref F to be broadly consistent with the 2015 proposals as long as suitably designed, installed and maintained culverts are provided to ensure the functionality of the wildlife corridor between Plot 6 and 7, and as long as the proposed new ponds are designed to hold permanent water."

The Council's Ecology consultant has given consideration to all of the information submitted until early August and has advised that the "effect would be Minor Adverse with the embedded Mitigation".

The consultant, within the advice noted within the paragraph immediately above, raised a series of questions; including the design of culverts and confirmation that the correct records have been searched when preparing the ES. The Agent subsequently submitted a Briefing Note in response. The consultant, upon consideration of the Note, has now advised that they have "no ecological objections to the granting of planning permission subject to the setting of suitable planning conditions". The suggest conditions include tunnels for newts and the formation of ponds.

The minor adverse impact upon ecology will be given consideration in the conclusion below.

### Groundworks

In terms of coal mining, the site lies within a "Development High Risk Area" (as defined by the Coal Authority).

The submitted Coal Mining Risk Assessment says that:

"A 0.3 m thick intact coal seam has been recorded in the north-east of the Site, which may represent the Usworth coal seam beneath the Site, however no evidence of former mine workings has been encountered to indicate that this seam has been extracted beneath the Site".

The Assessment suggests that the construction phase should include a watching brief "to assess for the presence of potential mine entries".

The Coal Authority have advised that they have "no objection" and "welcome the comments made that vigilance is to be maintained during site development works for any evidence of unrecorded mine entries".

In terms of ground contamination, the submitted Geo-Environmental Assessment identifies matters relating to human health (such as potential hydrocarbons). The Assessment further says that the "risk to the wider controlled water environment is considered to be low" and that for ground gas "no protection measures within new buildings on the site". The Assessment subsequently makes recommendations including the preparation of a Materials Management Plan, removal and / or analysis of stockpiled material and production of an Earthworks Specification.



The Council's land contamination consultant has advised that they have "no objections, please apply planning conditions CL02, CL03 and CL04". These conditions relate to Phase II, remediation and verification reports. The Environment Agency has advised that they have "no objection".

The Agent has recently submitted a Briefing Note (August) which amends the ES by saying the "applicant has no intention to store soil on the eastern plot".

In the absence of any material considerations to the contrary, the proposed development accords with policies HS3 and M3 of the Core Strategy; subject to the recommended conditions.

### Energy Efficiency

The climate change chapter of the ES says that "solar photovoltaic panels will be included in the design for each unit" at an average of 5% coverage of the roof. The chapter continues by saying that "roof lights (to allow natural daylight to obviate the need for electrical lighting) will also be included and represent 10-15% of roof space". In the absence of any material considerations to the contrary, the proposal accords with policy BH2 of the Core Strategy; subject to the recommended conditions.

### Health

The Core Strategy, at policy SP7(vii), says that an Applicant should "submit a Health Impact Assessment as part of any application for large-scale development". The glossary within the Core Strategy defines a Health Impact Assessment as an "assessment of the potential impacts of a plan or project upon the health of a population and the distribution of those effects within the population".

The submitted Health Impact Assessment identifies that the health impacts of the proposed development would either be neutral or slight positive. The exception would be a slight adverse impact around parking; albeit mitigation has been proposed via the submitted Framework Travel Plan. The Assessment gives thorough consideration to the potential health impacts, in accordance with the definition above. Officers would advise that there would not appear to be any reason to disagree with the conclusions presented within the Assessment.

In the absence of any material considerations to the contrary, the proposal broadly accords with policy SP7 of the Core Strategy; other than the slight adverse impact around parking where some mitigation has been proposed.

### Health and Safety

The Health and Safety Executive (HSE) have advised that the site:

"does not currently within the consultation distance of a major hazard site or major accident pipeline; therefore at present HSE does not need to be consulted on any developments on this site".

In the absence of any material considerations to the contrary, the proposal accords with policy HS4 of the Core Strategy.

## Heritage

In terms of archaeology, the submitted "Archaeological Desk Based Assessment" says that:

"There is no direct evidence for prehistoric or Roman activity within the site or study area, and limited potential for a resource of this date to exist within the site.

The site was located some distance from known foci of medieval settlement and was probably farmland during the medieval and post-medieval periods. Any remains relating to this would be of limited significance.

Hillthorn Farm was built in the northern part of the site by 1820; it was demolished in 2015.

The site remained in agricultural use until 2015, when Hillthorn Farm was demolished and the area used for a compound. By 2018, the entire area had been landscaped, with access roads and compounds built, such that any archaeological resource that had been present is likely to have been removed.

No further archaeological works are recommended in relation to the development."

The Tyne & Wear Archaeologist has advised that:

"On the basis of the desk-based assessment and earlier evaluations, no further archaeological work is required in association with the proposed development."

In the absence of any material considerations to the contrary, the proposal accords with policy BH9 of the Core Strategy.

In terms of built heritage, officers would initially draw to attention that the Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" in that the "local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The "Built Heritage" chapter of the ES includes a "Heritage Impact Assessment". The Assessment seeks to "fully assess the potential impact of the proposals on views of The Earl of Durham's Monument (Penshaw Monument) (Grade I) from points along the A1290" and says "no other heritage assets in the surrounding area are considered to maintain a visual relationship with the site or to be sensitive to the proposed development".

The Assessment says that the "significance of the monument derives from its historic association with the first Earl of Durham, its architectural significance as an important example of the Greek revival in the region and its role as a prominent landmark across a wide area". The Assessment continues by saying that "the undeveloped nature of the site does allow for open views towards the monument which contribute positively to the significance of the listed building as a local landmark".

The Assessment, in terms of potential impacts, says "The effects on the setting of the monument would include the visibility of the proposed development in views from it and the loss of views of the monument from the site, particularly along its northern boundary with the A1290". The Assessment concludes by saying "the effects of proposed development on the

significance of the monument due to the impact on views to/from the monument would be minor adverse”.

The Council's Conservation Officer has advised that the proposed development “will result in less than substantial harm to a designated heritage asset”. The Conservation Officer has explained that:

“As a result of the proposed developments’ siting along largely the entire length of the A1290 and the significant height of buildings... in relative close proximity to the road, they will adversely impact upon historic and important views of Penshaw Monument from the A1290. The longer distance longest elevation views of the Monument that have been experienced and enjoyed since the Monument was first erected in 1844 from this part of the A1290 are likely to be largely obscured, and this will detract from the setting of Penshaw Monument and the ability to appreciate it as a key landmark in the landscape from this route.”

The less than substantial harm to the heritage asset will be given consideration in the conclusion at the end of the report.

### Highway

The submitted Transport Assessment says the “site is well served by public transport” and “is ideally located to promote journeys by alternative modes of travel to the private car”. The Assessment continues by saying there would be one parking space per 86-87 square metres of development. The Assessment further says that “overall the impact of the proposed development is negligible or very small across the local and strategic road networks” and that there are “no inherent highway safety issues associated with the proposed development”. The Assessment concludes that there are “no highway related reasons why planning consent should not be granted for the proposed scheme”; albeit the impacts during both construction and operation are identified as negligible and minor adverse.

The Local Highway Authority have advised, following the submission of the Transport Addendum, that they have “no objections to the application subject to the requested conditions being imposed should planning approval being granted”. Officers would draw to attention that the recommended conditions have been agreed with the Local Highway Authority.

Nexus have also advised that “existing bus services to the site are adequate and offer the opportunity for a high proportion of trips to be made by sustainable travel modes.”

Nexus have, however, asked for the developer to fund:

“one introductory travel ticket per employee. This ticket should be the equivalent of four weeks' travel per employee. The preferred product is one Pop Pay As You Go card per employee with £50 of credit preloaded. The purpose of this request is to encourage maximum use of public transport services to travel to and from work from the start of employment on site.”

Officers would, however, advise that the above provision would not be necessary to make the development acceptable in planning terms.

Highways England, the operator of the trunk road network (such as the A19), have advised that they “recommend that conditions should be attached to any permission that may be granted”. The recommended condition relates to ensuring occupation of the development only takes

place once improvements works at the A19 / A1290 are practically complete and fully open to traffic.

In terms of material considerations, there would also be a contribution towards Action Reference 5.06 of the Low Carbon Action Plan; given that Nexus have advised that “existing bus services to the site are adequate and offer the opportunity for a high proportion of trips to be made by sustainable travel modes.”. The Action Reference states that the Council will “Continue to concentrate new development at sustainable/accessible locations in the city”

In the absence of any other material considerations to the contrary, the proposal would accord with policies ST2 and ST3 of the Core Strategy; subject to the recommended conditions.

### Landscape

The Landscape Character Assessment, submitted as a submission document for the Examination in Public for the Core Strategy, identifies the site as lying within a “Coalfield Lowland Terrace” and more specifically “Usworth Lowland”.

The Assessment says the key characteristics of the Coalfield Lowland Terrace include the area being “fragmented by industrial and residential development, the landscape includes corridors of open space between settlements, often with urban fringe character” and “large industrial complexes and industrial estates are present”.

The Assessment continues by saying that in the Usworth Lowland the “landscape has an open character, which enables views over to the Boldon Hills to the north east, in South Tyneside” and that “views looking south towards Sunderland are limited by the large industrial structures associated with the Nissan car factory”.

The Assessment subsequently says that any “industrial estates and complexes” in the Coalfield Lowland Terrace should

“Seek opportunities to enhance and extend landscaping and integrate new buildings into the landscape. Utilise native species which occur locally, e.g. Grey Poplar.

Aim to enhance maintenance of landscapes in and around industrial and commercial premises, including woodland and hedges.”

The Assessment also says that planning should not “permit industrial / commercial development that will adversely encroach on the Green Belt and block green corridors through this already fragmented landscape.”

The submitted Landscape and Visual Impact Assessment initially identifies that there would be a temporary and short term impact during construction; such as cranes and stockpiles of materials. The Assessment continues by identifying that the “primary source of landscape and visual impacts would be caused by the physical mass and appearance of the 8 industrial units, potentially altering, or obstructing views and changing the character/amenity of the surrounding landscape” and that the “effects would also persist throughout the operational phase”.

The Assessment continues by saying that, in terms of effects on land use,

“The development would contribute to further severance / obstruction of the open space which currently forms part of an indicative ‘Inter-district Green Infrastructure Corridor’ between the

River Wear and the countryside to the north”

“The corridor between Sunderland and Washington has been significantly reduced by recent development, most notably the Vantec building to the east of the site, the construction of Infiniti Drive also to the east and the realignment of the A1290 to the north. Consequently, the value of the open space within the application site has increased accordingly. The proposed development would substantially reduce the open space and would cause further severance of the corridor. This would be partially mitigated by the provision of native woodland and habitat creation measures within the site, although overall the reduction in green space would be a notable adverse effect.”

The Assessment continues by saying that the changes in landform “would not be immediately apparent once the buildings and landscape works were completed” and there would be minimal vegetation loss. The Assessment further says that the “proposed development would be of a similar size, scale, pattern and density to the adjacent manufacturing/storage facilities” and would “reinforce the perception of a busy urban area characterised by large scale manufacturing facilities”.

The Assessment concludes by saying that:

“The development would result in a permanent, or long-term modification of the landscape and the obstruction of long-distance views from roads and footpaths within the immediate vicinity of the proposed development”.

“The landscape proposals would aid assimilation of the development with its surroundings and would provide some screening, although due to the height of the proposed buildings it is unlikely that the planting would ever provide complete screening”.

“No Significant landscape or visual effects have been identified as a result of the operational phase.”

The Assessment does, however, also conclude that some of the impacts upon the landscape could be minor or moderate adverse.

Officers would agree with these conclusions – i.e. whilst not significant, there would be minor / moderate adverse impact upon the landscape. The conclusion section at the end of the report will need to identify whether there are public benefits which outweigh these adverse impacts.

## Railway

The Core Strategy, at policy SP10, identifies the railway line to the west of the site as the “Leamside Line”. The policy says that to “improve connectivity and enhance the city’s transport network, the council, working with its partners and utilising developer contributions will seek to... safeguard the following disused railway alignments for future use...Leamside line”

Officers would initially draw to attention that the red line boundary shown on the submitted location plan does not intersect any of the land identified as the Leamside Line covered by policy SP10.

Network Rail have advised that they have “no objection in principle to the development”; subject to conditions covering construction, boundary treatments, landscaping and lighting.

The Local Highway Authority have advised that:

“The Leamside line is located immediately to the western boundary of the proposed development. This still exists as a rail corridor although the line has not been in use for a number of years. The option remains to reinstate the use of the Leamside Line for potentially light and heavy rail, which could be an option for transporting freight associated with industrial and manufacturing sectors. This is currently being explored along with options to locate a station. The existing rail corridor width is capable of accommodation a twin track railway based on the current alignment.”

Nexus have commented that the local planning authority should ensure that “construction / development does not encroach too close to the Leamside corridor itself”. Officers would draw to attention, in response, the comments in the four paragraphs above.

In the absence of any material considerations to the contrary, the proposal would accord with policy SP10 of the Core Strategy; subject to the recommended conditions.

### Trees

The submitted Arboricultural Impact Assessment identifies that eight trees, two groups of trees and two elements of two groups of trees would need to be felled. The Assessment identifies these trees as Category C (i.e. trees with a low rating). The Assessment further identifies that one tree will be felled that falls within Category U (i.e. a tree unsuitable for retention). The Assessment also identifies protection for the retained trees during the construction phase.

The Assessment has been prepared by a Registered Consultant with the Institute of Foresters and a Fellow Member of the Arboricultural Association. Officers therefore consider that the categorisation of the trees can be given consideration as being accurate and would draw to attention that the only trees proposed for felling have been identified as being either a low rating or unsuitable for retention.

In the absence of any material considerations to the contrary, the proposal would accord with policy NE3 of the Core Strategy; subject to the recommended conditions.

### Utilities

There are substantial power lines running across the site which may need to be re-routed to accommodate the proposed development. Northern Power Grid have advised that they have "no objections to this application providing that our rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary". Officers would advise that any existing rights, as a third party matter, would not be affected by a grant of planning permission.

Northern Gas Networks have also advised that they have “no objections”.

## Summary

The principle of the proposed development accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

The table below summarises the residual impacts arising from the construction and operational phases of the proposed development; subject to the recommended conditions.

	Positive	Neutral / Negligible	Adverse
<b>Economic</b>	<p>Moderate beneficial impact during construction phase – estimated by the Agent to be approximately £23.6m of direct and indirect Gross Value Added per year.</p> <p>Moderate beneficial impact during operation – estimated by the Agent to be approximately £15.4 million of additional direct Gross Value Added per year.</p>	<p><u>Railway</u> The proposed development would not interfere with any potential re-opening of the Leamside Line.</p>	
<b>Environmental</b>	<p><u>Drainage</u> Agent advises that there would be moderate drainage benefit during operation.</p>	<p><u>Air Quality</u> Neutral impact.</p> <p><u>Design</u> Proposed development sits within the context of modern buildings and infrastructure and follow the principles of Secure by Design.</p> <p><u>Energy Efficiency</u> Proposal includes energy efficiency; such as roof lights and solar panels.</p> <p><u>Ground conditions</u> Resolvable via conditions.</p>	<p><u>Amenity</u> Minor adverse impact upon in terms of noise during construction (activities and traffic) and then operation (operations and traffic).</p> <p><u>Climate Change</u> Minor adverse during both construction and operation.</p> <p><u>Drainage</u> Minor adverse drainage impacts during construction.</p> <p><u>Ecology</u> Overall impact minor adverse; such as effect</p>

		<p><u>Health &amp; Safety</u> Health and Safety Executive have advised that they do “not need to be consulted”</p> <p><u>Trees</u> Only trees that are either low quality or unsuitable for retention would be felled.</p> <p><u>Utilities</u> Existing rights of access for Northern Power Grid would be a third party matter. Northern Gas Networks have advised they have “no objections”.</p>	<p>on farmland birds. No biodiversity net gain.</p> <p><u>Heritage</u> Less than substantial harm to the setting of the heritage asset (i.e. Grade I listed Penshaw Monument).</p> <p><u>Highway</u> Minor adverse impact during construction and operation.</p> <p><u>Landscape</u> Minor-moderate adverse impact.</p>
<b>Social</b>	<p>Moderate beneficial impact during construction – estimated by the Agent to be 360 direct and indirect jobs.</p> <p>Moderate beneficial impact during operation – estimated by the Agent to generate 478 direct, indirect and induced full-time equivalent jobs within the local economy and 533 at the regional level.</p>		

## Conclusion

Officers would advise that Members need to consider whether, in terms of the planning balance, the benefits identified in the table immediately above outweigh the adverse impacts arising from both the construction and operational proposed development.

The benefits from the proposed development are generally economic and social, arising from the Gross Value Added during construction and operation (economic) and jobs created during construction and operation (social).



The adverse impacts from the proposed development are generally environmental, arising from adverse impacts upon amenity during both construction and operation (minor adverse), climate change during both construction and operation (minor adverse), drainage (minor adverse during construction), ecology (minor adverse), heritage (less than substantial harm to the setting of the Grade I listed Penshaw Monument), highway (minor adverse during construction and operation) and landscape (minor-moderate adverse during operation).

In terms of assisting Members consideration of whether the economic and social benefits outweigh the adverse environmental impacts, officers have commissioned an independent report which has been written by a company who have previously prepared expert evidence on employment land matters for a planning inquiry at the same site. The report concludes that:

"The supply of general industrial land in Washington is insufficient for the Local Plan period, and the range of available sites is limited. When assessed against key market criteria the Application Sites are amongst the best opportunities for industrial development in this prime location.

With strong demand for larger units, the efficient operation of the market and economic growth are being frustrated by a severe shortage of suitable stock. The Application Site would help to address this shortage by providing new industrial premises in larger unit sizes.

Legal & General's proposals for Hillthorn Park are an opportunity to address the shortage of available industrial and warehouse stock that should not be missed".

Officers would therefore advise, given the above expert advice, that the economic and social benefits of the proposed development should carry moderate and therefore significant weight in the planning balance.

In terms of the adverse impacts, these are generally environmental and fall within the category of minor adverse; including amenity, drainage (during construction), climate change, ecology and highways; except for landscape which has been identified as minor-moderate. Officers consider that as the economic and social benefits have been identified as moderate and therefore significant, they should carry more weight in the planning balance than the lower magnitude of environmental effects which are minor-moderate. The weight given to the economic and social benefits has been informed by the provisions of the Council's adopted "City Plan" which by 2030 seeks "more and better jobs".

Officers would draw to attention that, in terms of considering impacts upon the setting of the heritage asset (i.e. the Grade I listed Penshaw Monument), there exists a slightly different policy test; which can be seen below.

The Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" and that the

"local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

In terms of material considerations, the National Planning Policy Framework at paragraph 202 states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

Officers consider that whilst having regards to the desirability of preserving the setting of the listed building, the moderate and significant economic and social benefits arising from the proposed development would fall within the category of being a “public benefit” that outweighs the harm to the designated heritage asset.

Officers would also draw to attention that the application has been submitted with an Environmental Statement which includes an ecology chapter prepared by an expert. The application has been given consideration by the Council's ecology consultant and Natural England. The overall impacts upon ecology has been identified as being “minor adverse”.

Officers would therefore advise that determination of the application will be in accordance with the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006. i.e.

"The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

## **Summary**

Officers would advise that the moderate and significant economic and social benefits from the proposed development would outweigh the minor-moderate adverse environmental impacts; subject to the recommended conditions.

There are public benefits, in the form of moderate and significant economic and social benefits, that outweigh the less than substantial harm to the setting of heritage asset (i.e. the Grade I listed Penshaw Monument).

The application has been submitted with an Environmental Statement which includes an ecology chapter written by an expert which has been given consideration by the Council's ecology consultant and Natural England. The Council, as public authority, can therefore demonstrate regard to Section 40 of the Natural Environment and Rural Communities Act 2006.

## **Equality Act 2010 - 149 Public Sector Equality Duty**

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics: -

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;

- sex;
- sexual orientation.

The LPA is committed to:

- eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves:

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to:

- Tackle prejudice, and
- Promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

## **Recommendation**

To **APPROVE** the application in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to the draft conditions below.

## **Draft Conditions**

- The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) to ensure that the development is carried out within a reasonable period of time.

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

Proposed Unit 1 Ground Floor GA Plan (Drawing No: 20063-PL011, Revision 00)

Proposed Unit 1 First Floor GA Plan (Drawing No: 20063-PL012, Revision 00)

Proposed Unit 1 Second Floor GA Plan (Drawing No: 20063-PL013, Revision 00)

Proposed Unit 1 GA Elevations North & East (Drawing No: 20063-PL015, Revision 00)

Proposed Unit 1 GA Elevations South & West (Drawing No: 20063-PL016, Revision 00)

Proposed Unit 1 Roof Plan (Drawing No: 20063-PL014, Revision 00)

Proposed Unit 2 Ground Floor GA Plan (Drawing No: 20063-PL121, Revision 00)

Proposed Unit 2 Office First Floor GA Plan (Drawing No: 20063-PL122, Revision 00)

Proposed Unit 2 Office Second Floor GA Plan (Drawing: 20063-PL123, Revision 00)

Proposed Unit 2 GA Elevations North & East (Drawing: 20063-PL125, Revision 00)

Proposed Unit 2 GA Elevations South & West (Drawing: 20063-PL126, Revision 00)

Proposed Unit 2 Roof Plan (Drawing: 20063-PL124, Revision 00)

Proposed Unit 3 Ground Floor GA Plan (Drawing No: 20063-PL031, Revision 00)

Proposed Unit 3 Office First Floor GA Plan (Drawing No: 20063-PL032, Revision 00)

Proposed Unit 3 Office Second Floor GA Plan (Drawing No: 20063-PL033, Revision 00)

Proposed Unit 3 GA Elevations North & East (Drawing No: 20063-PL035, Revision 01)

Proposed Unit 3 GA Elevations South & West (Drawing No: 20063-PL036, Revision 01)

Proposed Unit 3 Roof Plan (Drawing No: 20063-PL034, Revision 00)

Proposed Unit 4 Ground Floor GA Plan (Drawing No: 20063-PL041, Revision 00)

Proposed Unit 4 Office First Floor GA Plan (Drawing No 20063-PL042, Revision 00)

Proposed Unit 4 GA Elevations North & East (Drawing No: 20063-PL045, Revision 00)

Proposed Unit 4 GA Elevations South & West (Drawing No: 20063-PL046, Revision 00)

Proposed Unit 4 Roof Plan (Drawing No 20063-PL044, Revision 00)

Proposed Unit 5 Ground Floor GA Plan (Drawing No 20063-PL051, Revision 00)

Proposed Unit 5 Office First Floor GA Plan (Drawing No 20063-PL052, Revision 00)

Proposed Unit 5 Office Second Floor GA Plan (Drawing No 20063-PL053, Revision 00)

Proposed Unit 5 GA Elevations South & East (Drawing No 20063-PL055, Revision 01)

Proposed Unit 5 GA Elevations North & West (Drawing No 20063-PL056, Revision 01)

Proposed Unit 5 Roof Plan (Drawing No 20063-PL054, Revision 00)

Proposed Unit 6 Ground Floor GA Plan (Drawing No 20063-PL061, Revision 00)

Proposed Unit 6 Office First Floor GA Plan (Drawing No 20063-PL062, Revision 00)

Proposed Unit 6 Office Second Floor GA Plan (Drawing No 20063-PL063, Revision 00)

Proposed Unit 6 GA Elevations South & East (Drawing No 20063-PL065, Revision 00)

Proposed Unit 6 GA Elevations North & West (Drawing No 20063-PL066, Revision 00)

Proposed Unit 6 Roof Plan (Drawing No 20063-PL064, Revision 00)

Proposed Unit 7 Ground Floor GA Plan (Drawing No 20063-PL071, Revision 00)

Proposed Unit 7 Office First Floor GA Plan (Drawing No 20063-PL072, Revision 00)

Proposed Unit 7 GA Elevations North & East (Drawing No 20063-PL075, Revision 00)

Proposed Unit 7 GA Elevations South & West (Drawing No 20063-PL076, Revision 00)

Proposed Unit 7 Roof Plan (Drawing No: 20063-PL074, Revision 00)

Proposed Unit 8 Ground Floor GA Plan (Drawing No 20063-PL081, Revision 00)

Proposed Unit 8 Office First Floor GA Plan (Drawing No 20063-PL082, Revision 00)

Proposed Unit 8 GA Elevations North & East (Drawing No 20063-PL085, Revision 01)

Proposed Unit 8 GA Elevations South & West (Drawing No 20063-PL086, Revision 01)

Proposed Unit 8 Roof Plan (Drawing No 20063-PL084, Revision 00)

Proposed Site Section A-A & B-B (Drawing No 20063-PL215, Revision 00)

Proposed Site Section C-C & D-D (Drawing No 20063-PL216, Revision 00)

Proposed Masterplan (Drawing No: 20063-PL204, Revision 01)

Proposed Cut & Fill Layout Unit 1 (-400mm Topsoil Removed) (Drawing Number 200334-RGL-ZZ-XX-DR-D-103-0004, Status S2-P03)

Proposed Cut & Fill Layout Units 2 - 6 (-280mm Topsoil / Made Ground Removed) Sheet 1 (Drawing Number 200334-RGL-ZZ-XX-DR-D-103-0006, Status S2-P04)

Proposed Cut & Fill Layout Units 7 - 8 (-400mm Topsoil Removed) (Drawing Number 200334-RGL-ZZ-XX-DR-D-103-0008, Status S2-P02)

Proposed Levels & Retaining Layout Sheet 1 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-101-0001, Status S2-P04)

Proposed Levels & Retaining Layout Sheet 3 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-101-0003, Status S2-P03)

Proposed Levels & Retaining Layout Sheet 4 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-101-0004, Status S2-P03)

Proposed Levels & Retaining Layout Sheet 5 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-101-0005, Status S2-P03)

Proposed Levels & Retaining Layout Sheet 6 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-101-0006, Status S2-P03)

Proposed Levels & Retaining Layout Sheet 7 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-101-0007, Status S2-P03)

Proposed Levels & Retaining Layout Sheet 8 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-101-0008, Status D2-P05)

Proposed Boundary Treatment Plan (Drawing No: 20063-PL205, Revision 00)

Duct work and locking systems as per points 2, 3, 4 and 6 of submitted document entitled "Secure by Design" (Revision A)

Planting Proposals (Sheet 1 of 6); Drawing Nr: 059-06-02, Revision C

Planting Proposals (Sheet 2 of 6); Drawing Nr: 059-06-03, Revision C

Planting Proposals (Sheet 3 of 6); Drawing Nr: 059-06-04, Revision C

Planting Proposals (Sheet 4 of 6); Drawing Nr: 059-06-05, Revision C

Planting Proposals (Sheet 5 of 6); Drawing Nr: 059-06-06, Revision C

Planting Proposals (Sheet 6 of 6); Drawing Nr: 059-06-07, Revision C

Proposed Masterplan 8 Units Crossovers (Drawing No: SK252, Revision G)

Phase 1 Proposed Drainage Strategy Layout Sheet 1 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-120-0001, Status D2-P07) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Phase 1 Proposed Drainage Strategy Layout Sheet 2 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-120-0002, Status D2-P07) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Phase 1 Proposed Drainage Strategy Layout Sheet 3 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-120-0003, Status D2-P07) as found within Appendix E of Proposed

Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Phase 1 Proposed Drainage Strategy Layout Sheet 4 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-120-0004, Status D2-P07) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Phase 1 Proposed Catchment Layout Sheet 1 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-121-0001, Status S2-P02) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Phase 1 Proposed Catchment Layout Sheet 2 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-121-0002, Status S2-P02) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Phase 1 Proposed Catchment Layout Sheet 3 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-121-0003, Status S2-P02) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Proposed External Construction Details Sheet 1 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-130-0001, Status D2-P01) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Proposed Private Drainage Details Sheet 1 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-140-0001, Status D2-P01) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Proposed Private Drainage Details Sheet 2 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-140-0002, Status D2-P03) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Proposed Private Drainage Details Sheet 3 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-140-0003, Status D2-P01) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

Proposed Private Drainage Details Sheet 4 (Drawing Number: 200334-RGL-ZZ-XX-DR-D-140-0004, Status D2-P01) as found within Appendix E of Proposed Drainage Strategy (Document Reference: 200334-RGL-ZZ-XX-RP-C-0001, Revision S2-P05)

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3. No development shall commence until a Construction Environment Management Plan (CEMP), based upon the Framework CEMP found within submitted Environmental Statement at Appendix C3 (Chapter C), been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall address

- all potential impacts arising from site clearance, preparation and construction.
- The times of the day when construction works shall take place.

- Appropriate mitigation measures to protect nearby residents and the local environment; particularly including measures to control and manage emissions of dust (including those measures identified in Section F5.0 of the Air Quality chapter within the submitted Environmental Statement and Appendix F2 – Annex 6 of the submitted Air Quality Impact Assessment).
- Matters as set out in Section G5.2 and Table G3.2 of the Noise and Vibration Chapter.

The construction phase shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from construction works; in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033).

4. No development works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, which shall include but not be limited to the following:

- Identification of biodiversity protection zones.
- Set up method statements to avoid or reduce biodiversity impacts during construction.
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when a specialist ecologist will be present to oversee works.
- Details of responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works.
- Pre-construction checks for protected species

The construction phase shall thereafter be undertaken in accordance with the approved CEMP.

Reason: In order to protect the biodiversity of the site during construction works and to comply with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

5. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall give full consideration to construction traffic routing. The construction phase shall thereafter be undertaken in accordance with the approved CTMP.

Reason: To ensure, in accordance with policy ST1 of the Core Strategy and Development Plan (2015-2033), no unacceptable adverse impact on the Local Road Network.

6. No development works shall commence until a detailed great crested newt Reasonable Avoidance Measures Method Statements (RAMMS) in accordance with the approach outlined in the clarification note dated 24th August 2021 has been submitted to and approved by the Local Planning Authority. The RAMMS shall include but not be limited to:

- The timing of the works.
- The location of the receptor site for any great crested newts found during site clearance.



- Avoidance measures and working protocol.
- The procedure to be followed if a great crested newt is found.

The RAMMS shall be implemented as approved, and a summary report on the works undertaken under the RAMMS and any great crested newts found and moved shall be issued to the Local Planning Authority no later than 1 month after completion of these works.

Reason: In order to safeguard great crested newt that could be present within the site and to comply with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

7. No development works shall be undertaken until a Reasonable Avoidance Measures Method Statement (RAMMS) for reptiles has been submitted and approved by Sunderland City Council. The RAMMS shall be implemented as approved, and a summary report on the works undertaken under the RAMMS and any reptiles found and moved shall be issued to the Local Planning Authority no later than 1 month after completion of these works.

Reason: In order to safeguard reptiles that could be present within the site and to comply with the Wildlife and Countryside Act 1981 (as amended).

8. No development shall commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document "Land contamination: Risk Management" and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d.

9. No development shall commence until a detailed specification for the four ponds/swales suitable as breeding habitat for great crested newt, associated great crested newt hibernacula and proposed planting is submitted to and agreed by Sunderland City Council.

Details shall also be provided for the suitable long-term aftercare of all ponds/swales, hibernacula and planting. The scheme shall be implemented as approved unless any subsequent amendments have been agreed in writing with the Local Planning Authority.

Reason: In order to provide habitat suitable for breeding great crested newt and other

amphibians.

10. No development shall commence until a pre-construction badger survey as outlined in the Environmental Statement (Hillthorn Farm Volume 2 Environmental Statement February 2021) – Chapter I Ecology) has been undertaken and the results and any required badger mitigation reported to and agreed with the Local Planning Authority. Any required badger mitigation shall thereafter be provided in accordance with the approved timeframe.

Reason: In order to be comply with the Protection of Badgers Act 1992.

11. No development shall commence until a Great Crested Newts Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The construction phase shall thereafter be undertaken in accordance with the approved Plan.

Reason: In order to safeguard great crested newt that could be present within the site and to comply with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

12. No development works shall commence until a Landscape and Ecology Management Plan (LEMP) as detailed in the Environmental Statement (Hillthorn Farm Volume 2 Environmental Statement February 2021 – Chapter I Ecology) has been submitted to and approved by Sunderland City Council. This should include specification of requirements for additional mitigation, habitat compensation and ecological monitoring. The construction and operation phases of the development hereby approved shall thereafter be undertaken in accordance with the approved LEMP.

Reason: In order to protect the biodiversity of the site during operation and to agree monitoring and reporting.

13. No development works shall commence until the landscape plan has been updated to include:
- The existing hedgerow extending along the western boundary of the site, that it will be retained and incorporated into the landscape design.
  - The four ponds to be provided should be labelled.
  - The size and depth of the ponds. The plan should indicate that the ponds will be designed to hold water (existing ponds are known to dry up regularly and hold little water) and that they will be of a size suitable for breeding amphibians including great crested newt.
  - The swales between the ponds.
  - Location and size of all proposed tunnels under the access roads.
  - How the ponds/swales will be managed

The construction and operation phases of the development hereby approved shall thereafter be undertaken in accordance with the approved LEMP.

Reason: In order to protect the biodiversity of the site and confirm the landscaping to provide habitat connectivity measures.

14. No development shall commence other than site clearance and the laying of foundations until a specification (with implementation timetable and linked to a suitably scaled plan) for the provision of a minimum of 5 permanent bat roosts, 8 permanent bird nesting

features, and nesting boxes or overwintering refuge features for hedgehogs and invertebrates. Installation of these features shall be undertaken under the advice of an ecologist and in accordance with the approved details. The applicant shall submit appropriate evidence to the Local Planning Authority to confirm compliance within 1 month of the completion of those works.

Reason: In order to enhance biodiversity of the site during construction works in accordance with CSDP Policy NE2 and paragraph 174 of the National Planning Policy Framework.

15. No development shall commence until a lighting strategy has been submitted to and approved by the Local Planning Authority. The strategy shall include measures to minimise light spill onto adjacent habitats, and in particular shall allow for maintenance of a dark corridor along the disused railway line so as to avoid interference with nocturnal species using such corridors for dispersal, foraging or breeding. The scheme shall be implemented as approved unless any subsequent amendments have been agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the disused railway line and Barmston Pond LWS/LNR and other habitats which may be used by bats for foraging are not lit by new lighting within the site and that 'dark' areas are retained.

16. No development shall commence until a Construction Methodology has been submitted to and approved in writing by the Local Planning Authority. The Construction Methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be undertaken in accordance with the approved Construction Methodology.

Reason: To ensure, in accordance with policy T16 of the Unitary Development Plan (1998), the protection of an existing railway.

17. No development shall commence until details and a method statement for the use for any vibro-compaction machinery has been submitted to and approved in writing by the Local Planning Authority. The construction phase shall thereafter be carried out in accordance with the approved details.

Reason: To ensure, in accordance with policy T16 of the Unitary Development Plan (1998), the protection of an existing railway.

18. No development adjacent to the boundary with Network Rail shall commence until details of a trespass proof fence has been submitted to and approved in writing by the Local Planning Authority. The fence shall be approximately 1.8 metres high. The submitted details shall also provide for the future renewal and maintenance of the fence. The development shall thereafter not be brought into use until the approved fence has been fully installed.

Reason: To ensure, in accordance with policy T16 of the Unitary Development Plan (1998), the protection of an existing railway.

19. No development shall commence adjacent to the operational railway until details of any external lighting has been submitted to and approved in writing by the Local Planning Authority. The details shall consider the potential for train drivers to be dazzled and ensure that the location and colour of lights must not give rise to the potential for

confusion with the signalling arrangements on the railway. The detail shall further include consideration of both the construction and operational phases. The development shall thereafter be constructed and operated in accordance with the approved details.

Reason: To ensure, in accordance with policy T16 of the Unitary Development Plan (1998), the protection of an existing railway.

20. No development within proximity to the railway boundary shall commence until an amended landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The amended landscaping scheme shall ensure that any trees and shrubs planted adjacent to the boundary are positioned at a minimum distance greater than their height at maturity from the boundary. The amended landscaping scheme shall further avoid broad leaf deciduous species adjacent to the railway boundary. The amended landscaping scheme shall also ensure that any hedge planted adjacent to the railway boundary fencing for screening purposes does not when fully grown damage the fencing, provide a means of scaling it or prevent Network Rail from maintaining their boundary fencing. The approved landscaping scheme shall thereafter be provided within the first planting season following completion of the development hereby approved.

Reason: To ensure, in accordance with policy T16 of the Unitary Development Plan (1998), the protection of an existing railway.

21. No development shall commence near the railway undertaker's boundary fence, until full details of any excavations and earthworks have been submitted to and approved in writing by the Local Planning Authority. The construction phase shall thereafter be carried out in accordance with the approved details.

Reason: To ensure, in accordance with policy T16 of the Unitary Development Plan (1998), the protection of an existing railway.

22. The construction phase of the development hereby approved shall be undertaken in accordance with the submitted

Arboricultural Method Statement (Revision B)

Arboricultural Method Statement Tree Protection Plan (Drawing Ref: AMS TPP, Revision B)

Tree Protection Plan (TPP Rev B) Layout 2 of 2 – North (Drawing Ref: AIA TPP #2 North, Revision B).

Reason: To ensure, in accordance with policy NE3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved conserves trees.

23. The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any dwelling in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

24. No ponds shall be drained or removed until a pre-construction survey has been undertaken using suitable methods to confirm that the ponds do not support great crested newt. The results of the survey and any required great crested newt mitigation shall be submitted for the approval of the Local Planning Authority before the relevant ponds are removed. The approved mitigation shall thereafter be provided in accordance with the approved timeframe.

Reason: In order to safeguard great crested newt that could be present within the site and to comply with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

25. No operations that involve the destruction and removal of vegetation shall be undertaken during the months of March to August inclusive, unless prior written approval has been granted by the Local Planning Authority and that removal is only carried out after a check has been undertaken by an appropriately experienced ecologist to confirm the absence of nesting birds.

Reason: In order to protect the biodiversity of the site during construction works in accordance and to comply with the Wildlife and Countryside Act 1981 (as amended).

26. No development shall take place above damp proof course until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The approved details and / or samples shall thereafter be used in the construction of the buildings hereby approved.

Reason: To achieve, in accordance with policy BH1 of the Core Strategy and Development Plan (2015-2033), a high quality design.

27. No development shall take place above damp proof course for each respective industrial unit until details of lighting on the building and within the curtilage has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details before each respective industrial unit has been first brought into use.

Reason: To ensure, in accordance with policies HS1 and NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved preserves amenity and biodiversity.

28. Prior to commencement of any works linked to access roads crossing the existing Wildlife Corridor between plot 6 and 7 (located along the south east edge of the site from Infiniti Drive to the disused railway), full details of the wildlife tunnels (suitable for use by great crested newt) along with a timetable for implementation, shall be provided to the Council for written approval. The tunnels are to be a minimum of 1m in diameter as outlined in the applicants clarification response dated 24th August 2021 and are to be constructed in line with current advice. The Wildlife Tunnels must be installed in full accordance with the approved details and timetable. The Wildlife Tunnels shall be retained as approved thereafter.

Reason: In order to ensure that habitat connectivity for protected species is maintained along the existing and new wildlife corridor and that the tunnels are of an appropriate dimension to allow passage for great crested newt and other amphibians

29. Prior to the commencement of any works linked to the delivery of plot 7, full details of the wildlife tunnel (suitable for use by great crested newt) under the access road to Plot 7, along with a timetable for implementation, shall be provided to the Council for written approval. The tunnel shall be provided under the access road to Plot 7 and should be designed to allow for wildlife connectivity. The tunnels are to be a minimum of 1m in diameter as outlined in the applicants clarification response dated 24th August 2021 and are to be constructed in line with current advice. The wildlife tunnel shall be installed in full accordance with the approved details and timetable. The wildlife tunnel shall be retained as approved thereafter.

Reason: In order to ensure that habitat connectivity for protected species is maintained along the existing and new wildlife corridor and that the tunnels are of an appropriate dimension to allow passage for great crested newt and other amphibians.

30. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework Paragraphs 170, 178, 179, and 183d

31. No development hereby permitted shall be brought into use until the Highways England A19 / A1290 Downhill Lane Development Consent Order junction improvements are practically complete and fully open to traffic. Confirmation of this to be provided in writing from Sunderland City Council (the Local Planning Authority) in liaison with the South Tyneside Council (as the relevant Local Highway Authority) and Highways England (the Strategic Highway Authority).

Reason: To protect the safe and continued operation of the Strategic Road Network; in accordance with policy ST3 of the Core Strategy and Development Plan (2015-2033).

32. Prior to the first occupation of any industrial unit and the last occupation of any industrial unit, a verification report carried out by a suitably qualified person must be submitted to

and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme and in accordance with drainage strategy 200334-RGL-ZZ-XX-RP-C-0001. Rev S2-P05 . This verification reports at the beginning and end of the development shall include:

- \* As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- \* Construction details (component drawings, materials, vegetation).
- \* Health and Safety file.
- \* Details of ownership organisation, adoption & maintenance.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2, WWE3 and WWE4 of the Core Strategy and Development Plan (2015-2033).

33. No unit shall be occupied until details of any proposed ventilation or extraction system or external fixed plant has been submitted to and approved in writing by the Local Planning Authority. The details shall include a noise assessment using BS 4142:2014 and plan and elevation drawings prepared to a recognised metric scale. The rated noise level from any such plant or equipment, when calculated at the nearest sensitive receptor (as identified in the submitted Environmental Impact Statement), shall not exceed a value 3dB(A) above the measured background (LA90) at both night-time and daytime. The noise assessment shall also include a scheme of noise attenuation and a maintenance schedule where that is required to achieve the relevant noise objective. Any approved noise attenuation shall be fully installed before the respective unit is brought into first use and shall thereafter be maintained in accordance with the approved maintenance schedule.

Reason: To protect nearby residential occupiers from any adverse noise impacts arising from the operation of fixed plant on site, in accordance with policy HS2 of the Core Strategy and Development Plan (2015-2033).

34. No industrial unit shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared in accordance with the submitted Framework Travel Plan (Project No. 70076905). The recommendations within the approved Travel Plan shall thereafter be fully implemented by the occupiers of each industrial unit.

Reason: To ensure, in accordance with policy ST1 of the Core Strategy and Development Plan (2015-2033), there would be sustainable transport modes.

35. No industrial unit shall be occupied until the "installed car charging points", as shown on the Proposed Masterplan (Drawing No 20063-PL204, Revision 01), have been fully provided. The charging points shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved, includes an appropriate level of electric vehicle parking.

36. No industrial unit shall be occupied until the “bicycle rack / shelter”, as shown on the Proposed Masterplan (Drawing No 20063-PL204, Revision 01), has been fully provided. The rack / shelter shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved, provides a level of cycle storage.

37. No industrial unit shall be occupied until the parking / turning space, as shown on the Proposed Masterplan (Drawing No 20063-PL204, Revision 01), has been fully provided. The parking / turning space shall thereafter be retained and shall only be used for the parking / turning of vehicles in association with the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved includes a safe access and a level of parking.

38. No unit shall be occupied until details of the air source heat pumps, solar photovoltaic panels and roof lights, as described within H6.10-H6.11 of the climate change chapter of the Environmental Statement, have been submitted to and approved in writing by the Local Planning Authority. The pumps, panels and roof lights shall thereafter be installed in accordance with the approved details and shall thereafter be retained.

Reason: To ensure, in accordance with policy BH2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved includes sustainable design and construction.

39. Prior to occupation of any industrial unit, where there is an intention to operate a process that falls within the remit of the Pollution Prevention and Control regime or to install a biomass boiler and associated equipment exceeding 50kW thermal input, a suitable air quality assessment (or biomass screening assessment) shall be provided to the LPA for its agreement. The Assessment shall be carried out by a suitably qualified Air Quality Consultant and be in accordance with relevant National Guidance.

Reason: To identify any potential impacts on local air quality.

40. Within the first planting season following the practical completion of each unit, the approved landscaping works shall be carried out. These are shown on the drawings noted below:

- Planting Proposals (Sheet 1 of 6); Drawing Nr: 059-06-02, Revision C
- Planting Proposals (Sheet 2 of 6); Drawing Nr: 059-06-03, Revision C
- Planting Proposals (Sheet 3 of 6); Drawing Nr: 059-06-04, Revision C
- Planting Proposals (Sheet 4 of 6); Drawing Nr: 059-06-05, Revision C
- Planting Proposals (Sheet 5 of 6); Drawing Nr: 059-06-06, Revision C
- Planting Proposals (Sheet 6 of 6); Drawing Nr: 059-06-07, Revision C

The landscaping shall be maintained for a period of at least five years; including watering during dry periods and replacing any planting that fails.

41. The industrial units hereby approved shall only be used for light industrial, general industrial and storage distribution with ancillary office floorspace. These are Use Classes



B2 (general industry), B8 (storage and distribution) and E(g)(ii) (the research and development of products or processes or any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any subsequent Regulations amending, revoking or re-enacting these Regulations).

Reason: To ensure accordance with the submitted details and in accordance with policy EG1 of the Core Strategy and Development Plan (2015-2033).

42. The ancillary office floorspace hereby approved within each industrial unit shall only be used in an ancillary manner to the primary use of the unit (as defined by condition 18).

Reason: To ensure accordance with the submitted details and in accordance with policy EG1 of the Core Strategy and Development Plan (2015-2033).

## **Informatives**

1. The Local Highway Authority have advised that:

The proposed development will entail alterations to existing highways, which will require the Developer to enter into an Agreement with the Council under Section 278 of the Highways Act 1980, before commencing work in the highway. Alterations to the street lighting layout may also be required and any possible costs will be available in due course. The Developer should confirm intent to enter into such an Agreement and that the Council's reasonable costs for the legal and technical work involved will be met. For further information please contact Graeme Hurst, Highway Adoption Engineer (0191) 561 1566 or [graeme.hurst@sunderland.gov.uk](mailto:graeme.hurst@sunderland.gov.uk)

2. Network Rail have advised that:

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](mailto:assetprotectioneastern@networkrail.co.uk).

3. Network Rail have advised that:

For enquiries relating to land ownership enquiries, please email [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk).

4. Network Rail have advised that:

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email [propertyserviceslneem@networkrail.co.uk](mailto:propertyserviceslneem@networkrail.co.uk).

5. Network Rail have advised that:

### **Standard Drainage Requirements**

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

6. Network Rail have advised that:

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

7. Network Rail have advised that:

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection ([assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)) for further information and assistance.

8. Network Rail have advised that:

#### 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 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

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 Protection Project Manager prior to implementation.

9. Network Rail have advised that:

#### Excavations/Earthworks

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 Network Rail. 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 affect the railway, consultation with the Asset Protection Project Manager 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 Rail's infrastructure or railway land.

10. Network Rail have advised that:

#### 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 Project Manager.

11. Network Rail have advised that:

#### 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 Protection Project Manager before the development can commence.

13. Network Rail have advised that:

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

14. Network Rail have advised that:

#### 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 Project 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.

15. Network Rail have advised that:

#### Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that 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.

16. Network Rail have advised that:

#### 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.

17. Network Rail have advised that:

#### ENCROACHMENT

The developer/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 into 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 must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

18. Network Rail have advised that:

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.

19. The Environment Agency have advised that:

Advice to Applicant – Permit

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. For this application, the dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>

Discharge to surface water for dewatering purposes may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all of the conditions within the RPS, then a permit is not required for this activity. Please find the RPS conditions at [https://www.gov.uk/government/publications/temporary-dewatering-from\\_excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface\\_water](https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface_water).

If any discharges do not fully comply with the RPS, then a bespoke discharge permit will be required. Please find guidance on applying for a bespoke water discharge permit at [https://www.gov.uk/guidance/discharges-to-surface-water\\_and-groundwater-environmental-permits#standard-rules-permits-for-package\\_treatment-plants](https://www.gov.uk/guidance/discharges-to-surface-water_and-groundwater-environmental-permits#standard-rules-permits-for-package_treatment-plants), the linked page also provides contact information should you need assistance.

20. Northern Gas Networks have advised that:

There may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

21. Northern Power Grid have advised that:

No trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines.

22. The Local Planning Authority would advise that:

The above site will require a postal address and the applicant should contact the Council's Building Control Section who liaises with developers, the postal authority and fire service in respect of the naming and numbering of developments within the City of Sunderland. Building Control Service, P.O. Box 102, Civic Centre, Sunderland SR2 7DN  
Tel no. 0191 561 1550

23. The Local Planning Authority would advise that:

This planning permission is subject to conditions which, in order to discharge them, require the submission of additional details and written approval of those details before the commencement of the development. This type of condition is called a condition precedent and failure to discharge such a condition prior to commencement of the development on site will make the development unlawful and liable to enforcement action.

24. The Local Planning Authority would advise that:

The Local Planning Authority can only provide you with a formal written response to your request to discharge your condition(s) once a fee of £116.00 (commercial applications) or £34.00 (householder applications) (current rate subject to increase) per request has been paid to the Council as Local Planning Authority, together with any supporting information.

A single request may cover the discharge of one or more conditions but each subsequent request attracts its own fee. Subject to the required details or actions being satisfactory, a written confirmation of the discharge of conditions(s) will be issued.

The Council endeavours to discharge simple conditions within 21 days of the receipt of the request and complex ones within 8 weeks.

25. The Local Planning Authority would advise that:

In dealing with the application the Council has worked with the applicant in a positive and proactive manner and has implemented the requirement detailed in paragraph 38 of the National Planning Policy Framework.

26. The Coal Authority have advised that:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during

development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

27. The Local Highway Authority have advised that:

It would be appropriate for the proposed accesses to be subject to a Stage 1 Road Safety Audit as part of the Section 278 Agreement required to construct the accesses.