



Appeal Decision

Hearing held on 27 August 2025

Site visit made on 28 August 2025

by Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ

an Inspector appointed by the Secretary of State

Decision date: 2 December 2025

Appeal Ref: APP/X1355/W/25/3365616

Land at Sprucely Farm, Sedgfield, County Durham TS21 2BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by BioConstruct NewEnergy against Durham County Council.
 - The application Ref is DM/24/00903/WAS.
 - The development proposed is an Anaerobic Digestion Plant.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The application was presented to the Council's County Planning Committee on 3 December 2024, where it was recommended for approval, subject to a number of suggested planning conditions and completion of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The Planning Committee resolved to grant planning permission for the development in accordance with the Officer recommendation. However, due to the additional time required to finalise the Section 106 Agreement, the decision notice could not be issued immediately following the Committee meeting.
3. On 16 December 2024, prior to the issuing of the decision notice, the Council received correspondence from legal representatives of Knotty Hill Golf Centre. This advised that the Golf Centre was unaware of the planning application and did not receive a formal neighbour notification. The Golf Centre also raised concerns that the submitted Odour Assessment failed to consider the golf facilities as a sensitive receptor. Consequently, concerns were raised that the members of Planning Committee were not fully informed of the potential impact on the adjacent golf business.
4. Although an updated Odour Assessment, dated 19 December 2024, was submitted which retrospectively considered Knotty Hill Golf Centre, a technical advisor on behalf of the Golf Centre identified that full assessment of the odour impact was necessary. The Appellant provided a further Odour Technical Note on 20 January 2025. It was the Council's intention to resubmit the planning application to Planning Committee for further consideration, including the updated odour assessment, in June 2025. However, prior to that date this appeal was submitted against a failure to give notice within the prescribed period of a decision on the application.

5. The Council's Statement of Case sets out that the proposed development broadly accords with all relevant Development Plan and National Policy as set out in the Officer Report to the Council's Planning Committee meeting of 3 December 2024. It also further states that it is not considered that the additional information relating to odours, or any other representations submitted following that meeting, alter the planning merits of the application which remains acceptable. It confirms that planning permission should be granted, subject to conditions and the completion of a Section 106 Agreement to secure the payment of Biodiversity Net Gain monitoring fees.
6. Prior to the opening of the Hearing a Statement of Common Ground (SoCG) was submitted and agreed by the Council and the Appellant on 18 July 2025. This confirmed that there are no areas of disagreement between the Council and the Appellant regarding the proposed development. It also confirmed that any impacts arising from the proposed development would not be significant and would be outweighed by the benefits arising from the proposed anaerobic digestion plant.
7. The Appellant submitted a Planning Obligation by way of Unilateral Undertaking, pursuant to Section 106 of the Town & Country Planning Act 1990, dated 13 May 2025 (S106 UU). This provides an obligation to make a contribution ('The BNG Contribution'), defined as the sum of £2,485, to be used by the Council to monitor compliance with the submitted Habitat Management and Monitoring Plan and Landscaping Scheme. Following the closure of the oral aspects of the Hearing, the Council submitted a Community Infrastructure Levy Regulations 2010 Compliance Statement dated 2 September 2025. Having considered the content of the S106 UU and the Compliance Statement, I am satisfied that the obligation is compliant with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. Accordingly, I have taken the provisions of the obligation into account in my determination of this appeal.
8. During the Hearing it became apparent that there were discrepancies in the quantities of feedstock that could be generated on Sprucely Farm and the amount of material that would need to be imported. Following the closure of the oral aspects of the Hearing, legal representations on this matter were submitted on behalf of the Golf Centre and the Appellant. In particular, these relate to the extent to which the 'Wheatcroft Principles' apply in this case. I have considered this matter as a main issue below.

Main Issues

9. The main issues are:
 - The extent to which feedstock and digestate disposal can be facilitated from within the farm unit.
 - The extent to which the proposal accords with the Development Plan in respect of the management of agricultural waste and the location of new waste management facilities.
 - The effect of the proposed development on the character and appearance of the site and the surrounding area.
 - The effect of the proposed development on nearby sensitive receptors with particular regard to odour.

- The effect of the proposed development on highway safety and the free flow of traffic.

Reasons

The appeal site and the proposed development

10. The appeal site comprises around 3.6 hectares of agricultural land located approximately 750m to the west of the A177. It is located to the southwest of the main farm area and immediately south of two relatively large pig rearing units. Sprucely Farm is predominantly an arable farm but has diversified in recent years to include the rearing of pigs and the operation of a road haulage transport business. In particular, the operation of the haulage business has resulted in the recent construction of associated substantial buildings and hard standing area.
11. Access to the site would be via the existing entrance to the farm from the A177 and essentially follow the internal farm road serving the haulage yard and pig rearing units. A Public Right of Way runs along the access road from the A177 and meets another Public Right of Way running in an approximate north – south direction that would be located along the eastern boundary of the appeal site.
12. The surrounding area predominantly comprises gently rolling open countryside comprising land in agricultural use with small pockets of woodland. Sprucely Plantation forms the southern boundary of the appeal site with the Knotty Hill Golf Centre located to the southeast. The recently developed NETPark employment development is located to the east of the A177 and is visible from the appeal site.
13. The proposed development would involve the construction of a liquid digestate storage tank, two pre-digester tanks and two post digester tanks. Each of these tanks would be approximately 35 metres in diameter and 14 metres high. In addition, a number of other buildings, structures and plant are proposed including a pre digester tank (10m diameter, 7m high), reception building (30m x 24m, 4.8m eaves height and 8.5m ridge height), two silage clamps (1500sq.m each with 3m high concrete walls, a covered lagoon (1069sq.m), 5m high flare stack, and gas processing and gas upgrading plant.
14. The proposal would process a combination of maize silage, grass and straw; farmyard manures (chicken manure, pig straw manure and pig slurry); and processed food waste (liquids, blood and syrups). The resultant gas stream arising from the fermentation process would be compressed and injected into the national gas network. In addition, some gas would be used to fuel a small Combined Heat and Power Plant to produce the electricity that the Anaerobic Digestion Plant (AD Plant) requires with the surplus heat generated used on the farm.
15. It is suggested that the plant will produce in the region of 15,600,000m³ of biogas per annum and export in excess of 7,000,000m³ of biomethane to the gas grid per annum which would be sufficient to supply 18,000 homes. The bi-product of the process is digestate that is proposed to be spread on agricultural land as a fertiliser.

Feedstock and digestate disposal quantities

16. The application was submitted on the basis that the feedstock for the AD Plant would total 76,000 tonnes annually of which 22,000 tonnes would be produced on the site of Sprucely Farm (approximately 29% of the feedstock) with the remaining

54,000 tonnes being sourced from local farms. It became apparent in the Hearing that the quantity of feedstock that could be generated from land at Sprucely Farm was incorrect.

17. The Appellant was requested to produce a schedule showing in detail the revised quantities of feedstock that would be produced at Sprucely Farm and the quantity that would need to be imported into the site from farmland within the Sprucely Farm holding and from elsewhere. In addition, I also requested that the Schedule should identify the area of land at the farm, within the enterprise and elsewhere where digestate could be disposed.
18. The subsequent Schedule was provided on 9 September 2025. This identified that the annual input quantity would be approximately 77,000 tonnes and therefore not materially different from that set out in the planning application. However, it identified that 5,518 tonnes of feedstock (approximately 7%) would be produced at Sprucely Farm and 18,280 tonnes would be imported from land within the holding. A further 53,261 tonnes would need to be imported from elsewhere. Therefore, in total, 71,541 tonnes of feedstock would need to be imported per annum.
19. With regard to digestate, the Transport Statement accompanying the planning application estimated that a total of 77,000 tonnes of digestate would be produced annually, of which 19,000 tonnes would be solid (dry) digestate and 58,000 tonnes would be in liquid form. The Transport Statement set out that the 19,000 tonnes solid digestate would be used onsite by Sprucely Farm, whilst the 58,000 tonnes liquid digestate would be exported offsite to local farms contributing to the import of feedstock.
20. The Schedule identified that a total of 76,791 tonnes of digestate would be produced annually, of which 931 tonnes (1.2%) would be spread on land at Sprucely Farm. A further 9,313 tonnes would be exported to land within the holding and 66,549 tonnes would be exported to be spread on other agricultural land in the area.
21. Representations on behalf of the Golf Centre consider that the changes to the source of feedstock and digestate disposal, as now set out in the Schedule, constitutes a significant change to the planning application. As such it is argued that a decision to allow the appeal would be contrary to caselaw¹. In particular, it is contended that this is on the basis of the substantive test of whether the changes sought amount to a substantial difference (not in substance that which was applied for), and the procedural consideration of lack of consultation on the changes.
22. The Appellant considers that the proposed development is not substantially different from the application applied for. Furthermore, the changes to the feedstock source and digestate deposit were fully discussed in the Hearing in which there was no suggestion that consideration of the appeal would be unlawful. In addition, the Appellant identified that the Hearing was well attended, including professional representation on behalf of the Golf Centre who made further representations on the Schedule which the Inspector can consider. Consequently, it is not considered that any prejudice has been demonstrated and that the Inspector has all the information available to make a lawful decision.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another [1980] 10 WLUK 258 and Holborn Studios Ltd -v- The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

23. In the Hearing I addressed the above concerns and identified that the built form of the proposed development, the implications of the land use on the appeal site, and the total quantities of feedstock required and digestate produced in the scheme before me remain largely unchanged from the submitted planning application. The fundamental issue that the changes identified in the Schedule cause relate to those impacts associated with differences in traffic movements. These impacts were discussed in the Hearing and are considered in detail below.
24. On the basis of the above, I am satisfied that there is no prejudice to any party as a consequence of my consideration of the revised input and output quantities in this appeal. The proposed development of an AD Plant remains unchanged in its form and use with the only change being relevant to highway matters. The Golf Centre participated in discussions on these matters and was invited to provide further comment on the implications of the revised input and output quantities which it did in a letter dated 19 September 2025. Consequently, I am satisfied that no prejudice can be demonstrated and that I have sufficient information to make an assessment of the implications of the changes and determine the appeal within the context of the Development Plan. As such, I do not consider that my determination of this appeal would be contrary to caselaw.

Development Plan locational and waste management considerations

25. Policy 10 of the County Durham Plan (2020) (CDP) sets out the approach to development in the countryside. It states that development will not be permitted unless, amongst other things, it is necessary to support an existing agricultural enterprise or associated farm diversification scheme or unless permitted by specific policies in the Plan set out in footnote 54. This includes policies relating to carbon and renewable development. It further states that development in the countryside should not give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively which cannot be adequately mitigated.
26. Whilst it is suggested that the proposed development would broadly accord with the permissive aspects of this policy, as a consequence of its relationship to an existing agricultural enterprise and contribution to farm diversification, I am not convinced that this would be the case. The evidence suggests that the AD Plant would be operated independently to Sprucely Farm, albeit it would enable feedstock to be sourced from the farm and its enterprise holding. A considerable amount of other feedstock would be required to be imported. In my view, the characteristics of the proposed development would be more akin to that of a relatively large waste management facility in the countryside. Consideration of the effect on the intrinsic character, beauty or tranquillity of the countryside is an important restrictive element of the policy which is further considered below, particularly in relation to cumulative effects.
27. Policy 33 (Renewable and Low Carbon Energy) of the CDP sets out that renewable and low carbon energy development in appropriate locations will be supported and that significant weight will be given to the achievement of wider social, environmental and economic benefits. I am satisfied that the proposal would constitute a form of renewable and low carbon energy development that would have environmental and economic benefits. Consequently, the proposal gains positive weight from this policy.

28. Policy 47 of the CDP (Sustainable Minerals and Waste Resource Management) seeks to promote the development of a sustainable resource economy by ensuring that waste is managed in line with the waste hierarchy and increase the capacity and capability of the county's network of waste management facilities to reuse, recycle and recover value from waste materials. I am satisfied that the proposed development would accord with the provisions of this policy by facilitating the generation of renewable energy from agricultural and other waste streams with the production of a bi-product that can be spread on land as a fertiliser.
29. Policy 60 (Waste management Provision) of the CDP advises that proposals for the provision of new or enhanced waste management capacity will be permitted where they can demonstrate that they: a) contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy; and b) assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production; and c) assist in meeting the identified need for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.
30. The proposal would process waste that would assist in helping to drive the management of agricultural and food waste streams up the waste hierarchy. In relation to self-sufficiency, the proposed feedstock would primarily come from Sprucely Farm, the Sprucely Farm Enterprise and nearby farms within a 30 mile radius thereby contributing to County Durham and regional self-sufficiency in managing agricultural and food waste. I am satisfied that the proposed development would broadly accord with the provisions of Policy 60 of the CDP.
31. Policy 61 of the CDP relates to the location of new waste facilities and contains a number of criteria for consideration. In particular, the policy is supportive of waste management facilities that genuinely require a rural location. However, all proposals for farm-based waste management facilities are required to demonstrate that the management of waste is appropriate in scale to the existing primary use of the site and that waste to be managed arises on site or within the local area and that there will be no adverse impact on the environment. Although I am satisfied that in principle a rural location would be appropriate for the nature of the development proposed, further consideration of the extent to which the proposal is appropriate in scale and mass to the existing primary use of the site and the effect on the environment are considered below.
32. Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document (2024) (M&WPAD) sets out that proposals for waste development will be permitted where it can be demonstrated that the proposal will not result in individual or cumulative unacceptable adverse impacts on, amongst other things, the amenity of local communities as a result of visual impact, air pollution and landscape character and quality. The extent to which this proposed development accords with the policy is considered further below.
33. On the basis of the policies contained within the Development Plan, it is clear that there is broad policy support for development that can assist in moving the management of waste up the waste hierarchy, contribute to low carbon and renewable energy production and contribute to regional self-sufficiency in

managing agricultural and food waste. The proposed development would deliver the foregoing objectives.

34. Whilst development of an AD Plant may be acceptable in the countryside, the visual, landscape and amenity effects of the proposal before me need to be balanced against the above benefits including the extent to which the proposal is appropriate in scale to the existing primary agricultural use. These matters are considered below.

Character and appearance

35. The appeal site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) does however lie approximately 170m to the west of the site boundary.
36. The appeal site is located at a comparatively low level in the context of the surrounding landscape and is partially screened in views from the south and north by the Sprucely Plantation and the existing topography respectively. However, it does contribute to the character of the countryside in the locality, particularly when viewed in an east – west direction. In addition, its current open rural aspect forms part of the visual enjoyment of the countryside experienced by users of the Public Rights of Way network.
37. It is clear that parts of the surrounding landscape have been subject to recent change involving the gradual introduction of built development. In particular, there has been significant development at the NETPark, located immediately to the east of the A177, and recent relatively large-scale development at Sprucely Farm comprising the buildings associated with the haulage use, hardstanding area and pig rearing units. Collectively, these developments have incrementally changed the character of the surrounding area. The cumulative nature of this has had an urbanising influence on the character of the landscape in the vicinity of the appeal site.
38. Although I recognise that small scale anaerobic digestion plants are often positioned close to agricultural units, the appeal proposal has some markedly different characteristics. The proposed development would introduce a significant feature into the landscape. Its appearance would be significantly different to that of other nearby buildings. Furthermore, owing to its scale and the fact that a significant proportion of its feedstock would be imported from outside of the enterprise of Sprucely Farm, its character and use would be that of a relatively large waste management facility in the open countryside.
39. The height, scale and mass of the Fermenter and Digestate Storage Tanks, Reception Building, gas processing compounds, flare stack and silage clasps would be significantly greater than the existing nearby pig rearing units. In appearance terms, these elements would likely have an industrial form and differ markedly from the character of the agricultural development which forms a significant component of this part of the countryside. Owing to its functional and utilitarian design, scale and position, I do not share the Council's view that the structures would resemble typical farm infrastructure and would not appear out of character with the site and surrounding area. In particular, the height of the tanks alone suggests that they could not reasonably be considered as being inconspicuous in the context of the site and its surroundings.

40. In my view, the scale and nature of the development, its location and the fact that the character of the farm has changed to that more resembling a haulage business suggests that the proposed development would not resemble typical farm infrastructure. Its scale and design suggest that its appearance would be more akin to a relatively large waste management facility as opposed to a relatively small scale ancillary agricultural development associated with the existing farm. In my view, it would be seen as a relatively large standalone and disjointed protrusion into the rural landscape.
41. The proposed development would further erode the open character of this part of the countryside. It would contribute to the further urbanisation of the local landscape. There would be some mitigation as a consequence of the suggested landscaping in the form of the proposed hedgerow along the eastern and northern site boundary. Whilst the proposed landscaping would provide some mitigation in close views, it would have little impact in the medium term of integrating the proposed development into the surrounding landscape.
42. Although not within the AHLV, the appeal site is a component of the character of the countryside in some views towards and from the AHLV. That component would experience an urbanising effect as a consequence of the proposed development which would have a detrimental effect on the character of the countryside in relatively close proximity to the AHLV. I consider that this would be of an adverse moderate effect.
43. In considering the landscape impact of the proposal I have carefully considered the Appellant's Landscape evidence and the Council's views. However, in my view, the loss of this agricultural field would unacceptably add to the cumulative impact of built development in the immediate surrounding area thereby further eroding the open character of the countryside. This would represent a high adverse magnitude of change. Overall, I consider that there would be a moderate to high and significant adverse landscape effect as a consequence of the proposed development.
44. Turning now to the visual impacts of the proposal, my accompanied site visit followed the route agreed by the parties at the Hearing. Amongst other views, I observed the appeal site from the public footpath which runs along the eastern boundary and from nearby holes and fairways at the Golf Centre. I consider these to be sensitive receptors.
45. Users of the footpath along the eastern edge of the appeal site currently experience a tranquil rural aspect with wider countryside view as the path approaches the access track to the north. The visual impacts of the proposed development when viewed from the eastern footpath would fundamentally and unacceptably change by the introduction of the appeal scheme. This change would be visibly and perceptibly experienced at close quarters by users of the Public Right of Way on the approach to, and from, Sprucely Plantation. Even with the proposed landscaping, the tanks would likely remain visible, open views to the west would be lost and the tranquil nature of the route would be influenced by the operation of the plant. The tranquil rural nature of this path would be effectively changed to a path running alongside significant plant of a scale that cannot reasonably be considered to be ancillary to the agricultural activities of a typical farm. This change would be substantial and would significantly and adversely affect the enjoyment of the users of the path.

46. Users of the Golf Centre would likely experience some views of the eastern tank and the clamps and gas processing facilities from the 5th and 8th Green and associated approaching fairways, and from the tees for holes 6 and 9. Such views would be mitigated, but not wholly eliminated, by the existing boundary hedgerow to the Golf Centre. In my view, there would be a moderate adverse impact on views that would be experienced from the Golf Centre.
47. Taking the above factors into account, I find that the proposed development would have a moderate to significant adverse effect on the surrounding landscape. It would contribute to the incremental cumulative erosion of the character of the rural landscape in the vicinity of the appeal site. In addition, there would be moderate to major significant visual effects primarily associated with views from footpaths and the relevant Golf Centre holes in closer proximity of the site.
48. Consequently, the proposed development would be contrary to the provisions of Policies 10 of the CDP and Policy MW1 of the M&WPAD. These policies require that development in the countryside should not give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively which cannot be adequately mitigated. In addition, they seek to ensure that new development does not cause unacceptable harm to the character, quality or distinctiveness of the landscape or to important views and would not result in cumulative unacceptable adverse impacts on the landscape. My conclusion on this issue weighs very significantly against the proposal.

Odour

49. The planning application was supported by an Odour Assessment. An updated version was submitted on 19 December 2024. In addition, an Odour Technical Note was submitted to include the consideration of the potential impact on the Knotty Hill Golf Centre.
50. The assessment stated that the AD plant would be expected to emit odours during operations, primarily classified as "moderately offensive" due to agricultural feedstocks. Emissions would be assessed based on the Environmental Agency's odour benchmarks and odour mitigation would include airtight storage and odour abatement systems.
51. The assessment concluded that odour impacts from the proposed facility would not be significant and would align with Institute of Air Quality Management (IAQM) standards. The Odour Assessment categorises odour receptor sensitivity into three levels: high, medium, and low. High-sensitivity receptors include areas where users expect a high level of amenity and are present continuously or for extended periods, such as residential dwellings. Medium-sensitivity receptors cover locations where a reasonable level of amenity is expected, but not to the same extent as residential settings, and where presence is less continuous, such as workplaces, commercial premises, and recreational fields. Low-sensitivity receptors include areas where amenity is not a primary concern or where exposure is transient, such as industrial sites, farms, footpaths, and roads. Accordingly, Knotty Hill Golf Centre was afforded medium sensitivity in the Assessment.
52. The significance of odour impacts was determined using the IAQM assessment matrix, which evaluates the interaction between predicted odour concentrations and receptor sensitivity. According to IAQM guidance, impacts are classified on a scale from negligible to substantial, with significant effects only occurring at moderate or

substantial levels. The assessment followed this methodology to determine the overall significance of odour impacts from the proposed facility.

53. Dispersion modelling was conducted to predict odour concentrations from the proposed AD facility. The highest predicted concentrations were expected to occur at Knotty Hill Golf Centre, while residential receptors recorded lower concentrations. However, the assessment identified that the level of odour concentration was considered to have a negligible impact at receptors of any sensitivity. All identified receptor locations, including the Golf Centre, were classified as likely to experience negligible odour impacts, meaning the effects were considered not significant. The overall assessment concluded that potential odour emissions from the facility would not pose a constraint to the proposed development.
54. I have taken into account the representations on behalf of Knotty Hill Golf Course that the assessment relies on library odour emission data rather than site-specific measurements. Concerns were also raised that the assessment fails to fully consider intermittent and fugitive emissions, such as odours released when handling materials. The representations concluded that the odour assessment lacks sufficient certainty due to its reliance on generalised emission data rather than measured data from operational AD plants.
55. In response to the above concerns, the Appellant is of the view that dispersion modelling is widely accepted and was considered appropriate for this assessment as it provided a quantitative appraisal of potential impacts and allowed direct comparison with Environment Agency odour benchmark levels. Although the IAQM guidance advocates a multi-tool approach, incorporating qualitative risk assessments and field odour surveys where possible, these methods were deemed unnecessary. The Appellant considers that sufficient data was available to conduct dispersion modelling, and alternative approaches would have only provided a simplified assessment without considering site-specific factors. Additionally, as the plant is not yet operational, field odour surveys were not applicable.
56. The representations also considered fugitive emissions, noting that while the assessment considered continuous emission sources, it did not model intermittent emissions such as those occurring during feedstock delivery. This matter was a concern expressed by interested parties in the Hearing and the proposed odour control strategy was discussed in some detail.
57. The odour control strategy would include maintaining negative pressure within the reception building, extracting air at a minimum of three air changes per hour, and treating it using an abatement system before discharge. Fast-acting roller shutter doors would further minimise odour escape during vehicle ingress and egress.
58. Given these controls, I share the Appellants view that the risk of fugitive emissions from the reception building is considered low, and their exclusion from the assessment is justified. Modelling such emissions would require assumptions about internal odour concentrations and air transfer rates, which were unavailable at the time of assessment, and thereby introducing uncertainty into the model. Furthermore, emissions from feedstock transfer between the clamp area and feed hoppers were not specifically modelled, as the process is transient and considered low risk. However, the Assessment applied a precautionary approach by

increasing the modelled release rates for the feed hoppers to account for potential odour emissions during agitation.

59. Although there is some dispute whether the sensitivity of the Golf Centre could be classified as 'high' during championship events, the assessment maintains that the 'medium' classification remains appropriate. Moreover, even if a 'high' sensitivity classification were applied, predicted odour impacts would still be negligible and not significant under IAQM criteria.
60. Whilst the odour emissions are a material planning consideration, the proposed AD facility is also required to obtain and subsequently operate in accordance with an Environmental Permit issued by the Environment Agency. The Environmental Permit application process would involve detailed scrutiny of the proposals by the regulator including the design of the plant, operating techniques and mitigation measures, including the proposed abatement systems. If it is not adequately demonstrated that emissions associated with the facility can be effectively controlled to an acceptable level as part of the application, then a permit will not be issued. In the event that an Environmental Permit is subsequently issued, there will be a requirement for the AD plant to operate in accordance with an approved Odour Management Plan (OMP) and a Fugitive Emissions Plan (FMP) in order to ensure that unacceptable odour pollution does not occur beyond the boundary of the site. Therefore, the primary means of monitoring and controlling odour emissions would be via the Environmental Permitting regime.
61. The Officer Report to Planning Committee identified that the Council's Environmental Health Officers raised no objections to the proposal. It set out that the odour assessment, using recognised modelling techniques, predicts negligible odour effects due to the proposed mitigation measures but recommended the imposition of a planning condition requiring the submission of an Odour Management Plan. The Council's Environmental Officer reaffirmed this view during discussions in the Hearing.
62. My attention was drawn to existing AD facilities operated by the Appellant at Middlesbrough (Imperial Park) and Stockton-on-Tees (Wardley) where there have been odour issues associated with the operation of these plants in the past. However, the Technical Note provides a brief explanation of some of the circumstances that may have contributed to these issues. Moreover, I do not have any evidence to suggest that the issues associated with these sites are comparable to the design and odour management proposals of the appeal scheme. Consequently, I have attached little weight to these concerns.
63. Taking the above factors into account, I am not persuaded that the proposed development would give rise to unacceptable odour emissions that would be experienced by sensitive receptors in the vicinity of the site of an extent to warrant the dismissal of this appeal on that ground. The submitted evidence demonstrates that any potential odour emissions would not be significant when considered in the context of the guidance provided by the IAQM². Furthermore, consideration of potential odour emissions would be subject to further detailed assessment via the Environmental Permitting regime. Consequently, there would be no conflict with the relevant provisions of Policy 31 of the CDP or Policy MW5 of the M&WPAD. These policies, amongst other things, require that development proposals do not

² Guidance on the Assessment of Odour for Planning v1.1, IAQM 2018

have an unacceptable adverse impact either individually or cumulatively on the environment, amenity, or human health and that development will not be permitted where inappropriate odours cannot be suitably mitigated.

Highway safety and the free flow of traffic

64. Access to the appeal site would be via the priority junction serving Sprucely Farm off a relatively straight section of the A177 which is already provided with a ghost island for vehicles wishing to access the farm from the north. The submitted Transport Statement (TS) and Transport Note (dated 22 August 2025) (TN) consider the likely trip generation associated with the proposed development based on 54,000 tonnes of feedstock import per annum and 77,000 tonnes of digestate export per annum.
65. The above evidence suggests that there would be an average of 14 HGV movements per day (7 in and 7 out) associated with feedstock import (based on a working week of 5.5 days over 50 weeks per annum). In addition, the TN suggests that there would be an average of 20 HGV movements per day (10 in and 10 out) associated with the export of digestate. As such, the TN identifies that there would likely be an average of 34 HGV movements per day associated with the operation of the proposed development. In addition, the evidence also suggests that there would be an average of 10 car/LGV vehicular movements attributable to employee trips (based on 5 full-time staff associated with the operation of the AD Plant).
66. With regard to vehicle distribution to and from the site, the TN suggests that 58.6% of the HGVs would access/egress the site to and from the A177 South, and 41.4% would access/egress to and from the A177 North.
67. The revised quantities considered in the Schedule above suggest that there would more likely be approximately 71,541 tonnes of feedstock imported per annum and 75,860 of digestate exported from the site per annum. I recognise that the revisions to the feedstock import and digestate export quantities have implications for the calculation of HGV vehicular movements. However, it would appear that there would be no material difference in the HGV movements associated with the digestate export as a consequence of the revised calculations (i.e. 20 HGV movements per day). As a rough guide on a worst-case scenario, the revised quantities suggest that the number of HGV movements associated with feedstock import would be less than 20 HGV movements per day.
68. In my view, the changes in the import and export quantities as a consequence of the Schedule would not result in any significant increase in the number of vehicular movements per day that would likely be generated by the proposed development. From my observations of the operation of the A177 in the vicinity of the access, I have no reason to doubt the findings in the TS that the vehicular movements associated with the proposal would be quickly dissipated on to the surrounding road network. Furthermore, I have no technical evidence from any party to suggest that the A177 in the vicinity of the appeal site has a capacity problem that may be detrimental to the free flow of traffic.
69. In the absence of any other technical evidence to the contrary, I do not consider that the residual cumulative impacts on the road network as a consequence of the proposed development would be severe within the context of paragraph 116 of the Framework.

70. The Council, in its capacity as Local Highway Authority, raised no objections to the proposed development subject to the imposition of planning conditions relating to the maintenance of visibility splays and measures to prevent the deposition of mud and deleterious material on the public highway.
71. Turning now to consider the access junction, this is already used by HGVs associated with the existing haulage operation and by farm traffic. My site visit confirmed that a vehicle egressing the site onto the A177 would have adequate visibility and I have no evidence to suggest that the existing access arrangements have given rise to highway safety issues.
72. However, the proposed development would result in an increase in the use of the access. Whilst it may be considered adequate for the volume of traffic that currently uses it, there are some shortcomings that would need to be rectified to safely accommodate the traffic associated with the proposed development. In particular, the access track leading to Sprucely Farm is predominantly single track. The likelihood of HGVs travelling in opposite directions and encountering each other along the track would increase.
73. Currently, there is a paucity of passing places along the track, particularly in the vicinity of the junction. As such, one, or both, HGVs encountering each other on the track would likely need to undertake reversing or avoidance manoeuvres to pass. The site visit confirmed that it would be relatively simple to create several passing places along the track and the provision of these could be secured by an appropriate planning condition were I minded to allow this appeal.
74. Although there is adequate visibility to the A177 when the junction is reached, the height of existing embankments on the approach means that a vehicle travelling toward the immediate vicinity of the junction from the track would not be able to see a vehicle approaching in the north and wishing to enter the track via the ghost lane. Consequently, there is a real potential that there could be a vehicular conflict in the vicinity of the junction as a consequence of a turning vehicle wishing to enter the track off the A177 encountering a vehicle approaching the junction to exit.
75. Again, the site visit confirmed that it would be relatively simple to rectify this matter by lowering the height of the embankment in the vicinity of the access which could also be secured by an appropriate planning condition.
76. Subject to the above improvements, I am satisfied that the increased use of the existing access by vehicles associated with the proposed development would not give rise to any demonstrable highway safety problems.
77. The TS also considers the accident record of the A177 in the locality from data available from 2018 to 2023. This identified only one collision which was attributed to driver error. I have no evidence to suggest that there are any inherent risks associated with the highway geometry in the vicinity of the access.
78. Subject to the imposition of appropriate planning conditions, including provision for passing places on the access road and visibility improvements at the junction with the A177, I am satisfied that the proposed access arrangements would not give rise to any unacceptable highway or pedestrian safety impacts. In my view, a modified access could safely accommodate the increased turning of the vehicles anticipated to access and egress the site.

79. The modest increase in traffic volume in the vicinity as a consequence of the appeal proposals would not be of an extent to constitute a severe residual cumulative impact on the road network. Therefore, taking all of the above factors into account, I do not consider that the proposed development would have a material severe detrimental effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Consequently, there would be no conflict with Policy 21 of the CDP or Policy MW7 of the M&WPAD. These policies, amongst other things, require that any vehicular traffic generated by new development can be safely accommodated on the local and strategic highway network including consideration of capacity and congestion.

Other Matters

Effect on the special interest of nearby heritage assets

80. Although no harm was identified to designated heritage assets in the Council's Officer Report to Planning Committee, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such assets within the context of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, I have had regard to the desirability of preserving or enhancing the designated heritage assets.
81. The Council's Officer Report identifies that there are no designated heritage assets on or near the appeal site. The Bishop Middleham Conservation Area, which includes several listed buildings, is approximately 1.2km to the northwest. Hardwick Park Conservation Area, containing the Hardwick Park Historic Park and Garden, is located approximately 1.1km to the south.
82. Although the proposed development would partly erode the wider rural surroundings of the Conservation Areas, the appeal site is not legible from within, or immediately surrounding, the Conservation Areas due to the local topography and intervening vegetation. As such, the character and setting of these Conservation Areas would not be affected by the proposed development.
83. Although several listed buildings lie within a 3km radius, the proposal would not impact their settings due to the screening provided by topography, mature vegetation, intervening development, and the distances involved. Having reviewed the uncontested evidence, and from my observations at my site visit, I am satisfied that the proposed development would have no effect on the heritage significance of any heritage assets.
84. In response to consultation on the planning application, the Council's Design and Conservation Officers raised no objections to the proposal, advising that due to the local topography and the distances involved the proposal is not expected to affect the settings of the nearby Conservation Areas.
85. With regard to archaeology, the planning application was accompanied by an Archaeological Evaluation Report which reported on field investigations of the appeal site involving the excavation of 14 trenches and geophysical surveys. The evaluation established that no significant archaeology was recorded within the site area and no further archaeological work was recommended.
86. Having regard to my statutory duty to have special regard to the desirability of preserving heritage assets and their setting, I find that the proposed development

would have no effect on the heritage significance of any heritage assets. Consequently, there would be no conflict with Policy 44 of the CDP. This policy, amongst other things, requires that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting and that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest). Furthermore, there would be no conflict with the provisions of Section 16 of the National Planning Policy Framework (the Framework) and the statutory provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Flooding and Drainage

87. Concerns were raised that the proposed development has the potential to pollute a small nearby watercourse as a consequence of inadequate drainage measures. The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The Assessment identifies that the site is located in Flood Zone 1, indicating a low risk of flooding.
88. The Strategy follows the North-East LLFA Authorities Sustainable Drainage Local Standards and proposes that surface water runoff would discharge to a watercourse along the eastern boundary. Surface water attenuation would be provided via an online attenuation tank, maintaining the greenfield runoff rate of 9.49 litres per second. This would ensure that all storm events up to a 1-in-100-year event, with a 45% allowance for climate change, would be managed on-site, thereby preventing increased flood risk and offering improved downstream catchment conditions.
89. Pollutant control measures include filter drains for high-risk areas, such as access roads, and proprietary treatment systems for other areas. Runoff from the clamp area, including silage and dirty water, would be collected via sealed drainage networks and directed to either a primary lagoon or an attenuation tank, both designed to prevent infiltration. If a lagoon is used, it would be lined and work alongside a pumping station for temporary storage.
90. The evidence suggests that the drainage system would comply with Ofwat and LLFA standards, ensuring no pipe surcharge in a 1-in-2-year rainfall event, no surface flooding in a 1-in-30-year event, and no building or property flooding in a 1-in-100-year event with climate change and urban creep allowances. Any excess flooding from extreme events would be stored on-site to protect surrounding land from overland flows. The Environment Agency raised no objections to the proposed development. Furthermore, a planning condition could be imposed to ensure that the development is carried out in accordance with the submitted Drainage Strategy.
91. Overall, I am satisfied that there is no compelling evidence before me to suggest that the proposed development would lead to increased flood risk, both on and off site, that would likely cause pollution to any nearby watercourse. Consequently, there would be no conflict with Policy 35 of the CDP.

Nutrient Neutrality

92. The appeal site lies within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area/Ramsar (SPA). Concerns were raised in the

Hearing that the proposal may give rise to drainage discharges that could cause deterioration in water quality due to nutrient enrichment from elevated nitrogen and phosphorus levels thereby exacerbating the current unfavourable status of the SPA. The SPA is identified as already being in an unfavourable status due to excess nitrogen levels within the River Tees.

93. Under the Conservation of Habitats and Species Regulations 2017 (as amended), as decision maker I am required to consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.
94. However, the proposed development is a commercial plant where any foul water created by employees is simply diverted from an alternative location (their home, for example). Commercial developments are typically exempted from nutrient neutrality assessment as it is generally accepted that people working at the site would live in the catchment and so wastewater is accounted for by any new housing.
95. Were I minded to allow this appeal, I would have consulted Natural England to confirm the above position or otherwise. However, on the basis of the information before me, I have no contrary evidence to suggest that the Council's view that there would be no conflict with the provisions of the Conservation of Habitats and Species Regulations 2017, or Policies 41 and 42 of the CDP, may be incorrect.

Planning balance

96. There are a number of material planning benefits that would be delivered by the proposed development which gain policy support as identified above. In particular, the generation of renewable energy, in the form of gas and electricity, on a relatively large scale from organic waste attracts significant weight. Although the appeal scheme does not constitute a Nationally Significant Infrastructure Project (NSIP), the need for an increase in low carbon electricity generation from renewables is recognised in the Government's National Policy Statement for Renewable Energy Infrastructure (EN3).
97. Although no detailed evidence of a waste needs assessment in respect of agricultural and food waste arisings was provided in the Hearing, it is clear that the proposal would contribute to driving the management of these wastes up the waste hierarchy. In addition, it would make a positive contribution to County Durham's and regional self-sufficiency in managing agricultural and food waste. This benefit also attracts significant weight.
98. In terms of Biodiversity Net Gain (BNG), the proposal is projected to achieve a net gain of 1.33 Habitat Units (+15.39%) and 1.43 Hedgerow Units (+354.47%), meeting the statutory requirement for at least 10% net BNG. The BNG assessment and projections are underpinned by a Habitat Management and Monitoring Plan (HMMP). This Plan outlines the habitats to be retained, created, and enhanced, along with associated timescales for actions and monitoring requirements. Monitoring is underpinned by the obligation provided in the S106 UU. Whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would mitigate any residual harm. I attach moderate positive weight to this benefit.

99. In addition, there would be other local economic benefits arising from the construction and supply chain jobs that would be created during the construction phase of the development and the employment of approximately 5 staff associated with its operation. These benefits attract minor positive weight.
100. I have found that the proposed development would not cause any harm to the contribution made by the setting to the heritage value or significance of any heritage asset. Subject to the imposition of appropriate planning conditions, and assuming effective pollution controls that would be imposed in the EP, the appeal scheme would not have an unacceptable impact, either individually or cumulatively on health, amenity or living conditions. With appropriate planning and pollution controls, I see no impediment to the effective integration of the proposed development with existing businesses. With regard to these matters, I find no conflict with CDP Policy 31 or Policy MW5 of the M&WPAD. In addition, the proposed development would not cause a material severe detrimental effect on the safe and efficient operation of the highway network in the vicinity of the appeal site.
101. However, I have found that the proposed development would have a moderate to major adverse effect on the surrounding landscape. In addition, there would be moderate to major significant visual effects primarily associated with views from footpaths and from the Golf Centre. The character and appearance of this part of the open countryside would be unacceptably eroded by the proposed development. In my view, the proposal, due to its scale and size, would have an industrial form and differ markedly from the character of the agricultural development which forms a significant component of this part of the countryside. Furthermore, I do not consider that the proposed landscaping scheme would acceptably mitigate this impact.
102. There has also been significant recent change to the character and appearance of the land in the vicinity of the appeal site as a consequence of the relatively large haulage yard and buildings. The proposal would add to the cumulative erosion of this part of the rural landscape to one which is more akin to employment development and would thus harm the intrinsic character and beauty of the countryside. Harm to the character and appearance of the area carries very significant weight against the proposal.
103. Although Policy 61 of the CDP is supportive of waste management facilities that genuinely require a rural location, all proposals for farm based waste management facilities are required to demonstrate that the management of waste is appropriate in scale to the existing primary use of the site and that waste to be managed arises on site or within the local area and that there will be no adverse impact on the environment. Taking into account the amount of feedstock that would be required to be imported and the size and scale of the proposed development, I do not consider that it can reasonably be considered to be appropriate in scale to the existing primary agricultural use. To a large extent, the evidence suggests that the proposal would be operated independently to Sprucely Farm but it does provide a facility for the management of the Farm's, including the enterprise, agricultural waste. In this context, the proposal gains neutral support from Policy 61.
104. In final conclusion, balancing all of the matters above, I consider that the benefits of the proposed development would be significantly and demonstrably outweighed by the very significant harm that would be caused to the character and appearance of the landscape. It would be contrary to the provisions of Policies 10 and 39 of the

CDP. Consequently, the proposal would not accord with the Development Plan when read as a whole. In this case, the evidence leads me to the conclusion that, on balance, the appeal should be dismissed.

Conclusion

105. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

ANNEX A

APPEARANCES

FOR THE APPELLANT:

David Hardy	Partner CMS Cameron McKenna Nabarro Olswang LLP
Rod Heplewhite	Director, Prism Planning
Darren Smith	Bio Construct
Ger Parry	Director, Redmore Environmental
Lewis Walker	SAJ Consultants
Mr Harris	Landowner

FOR THE LOCAL PLANNING AUTHORITY:

Chris Shields	Senior Planning Officer
Claire Teasdale	Principal Planning Officer
Neil Carter	Solicitor
Guy Rowlinson	Landscape Officer
David Battersby	Highways/Transportation Officer
John Hayes`	Environmental Health Officer

INTERESTED PARTIES:

Craig Ross	Planning Consultant, Knotty Hill Golf Centre
Simon Britton	Agricultural Consultant, Knotty Hill Golf Centre
Harvey Neive	Middleton Parish Council
Tim Boyd	Hardwick Hall Hotel
Jenifer Harris	
Stuart Harris	
Barbara Harris	
Tim Champman	
Olivia Craggs	
Dennis Craggs	
Ashley Craggs	

John Howell

Peter Johnson

Jan Welsh

John Alderson

Ian Catchpole

Alwyn Downes

Mr Patterson

John Finlayso

Mr Boyd

Carmel Ellis