

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/23/00171/MIN</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Proposed lateral extension to the east of Windy Hill Quarry (1.36 hectares) for the winning and working of sandstone and progressive restoration of the site (Amended description)</b>
<b>NAME OF APPLICANT:</b>	<b>Mr F R Jackson</b>
<b>ADDRESS:</b>	<b>Windy Hill Quarry, Eggleston, Barnard Castle, DL12 0DW</b>
<b>ELECTORAL DIVISION:</b>	<b>Barnard Castle West</b>
<b>CASE OFFICER:</b>	<b>Claire Teasdale Principal Planning Officer 03000 261390 <a href="mailto:claire.teasdale@durham.gov.uk">claire.teasdale@durham.gov.uk</a></b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Background

1. Windy Hill Quarry is a small active sandstone quarry dating from 1967 with an area of 1.51 Hectares (ha) located in open moorland countryside in Teesdale, adjacent to the B6278 between Egglestone and Barnard Castle. The B6279 lies some 530m to the north. The site is currently operated by F& R Jackson Ltd. a small independent business with premises at Staindrop and Barnard Castle.
2. Current operations involve the extraction of sandstone and the use of the overburden and waste sandstone in site restoration. The sandstone is a fine to medium grained material which can be used for dry stone walling and construction purposes. The quarry is worked on an intermittent basis depending on the weather and markets. The sandstone is extracted using mechanical means. The material extracted from the upper layers of mineral is screened and broken up as necessary to produce a walling stone. Block sandstone, produced from the lower layers of mineral, is taken to the operator's production facility at Barnard Castle for cutting to produce sandstone cills, lintels and hearths. Stone is predominantly utilised in the surrounding locality as it is suitable for use within surrounding conservation areas. The scale of working has increased from 500 tonnes of sandstone in recent years. The site currently produces approximately 1,200 tonnes of sandstone a year and resulting in a maximum of 3 loaded vehicles leaving the site a week. The applicant estimates that current reserves within the existing quarry will be exhausted within 2024.
3. The existing quarry consists of the vehicular access to the highway, an operational void, areas of bare ground and stockpiles, processing and storage areas and a

roadside screening bund to the south adjacent to the B6276. Areas to the north-west of the quarry have been brought up to restoration level.

## The Site

4. The 1.36 ha application site (the proposed extension) is immediately adjacent to the existing quarry to the east. The application site comprises an area of improved pasture enclosed by stone walls to the south and east and a fence to the west with sheep grazing. The site is located at a height of approximately 300 metres AOD in undulating land that forms the north facing slope of the valley of the River Tees. It is surrounded by open agricultural land that is predominantly used for grazing and is on the edge of the open moorland with isolated farmsteads, and numerous areas of woodland, Howegill being the closest. The site falls gently to the north towards the shallow valley of the Howe Gill.
5. The active Shipley Banks Quarry lies approximately 870m to the south and discussed quarries at Howegill and Pallet Crag lie to the north of the B6279.
6. The nearest residential property is Roger Moor Farm approximately 250m to the north of the existing quarry and 290m from the proposed extension. The property named Windy Hill is approximately 630m to the north west of the existing quarry and 760m from the proposed extension. Two properties at High Shipley are some 590m to the south west of the existing site and 690m from the proposed extension area. The unoccupied Moss Close lies to north east 225m from the existing site and 190m from the proposed extension. Parrick House is approximately 915m to the south east of the existing quarry and 790m of the proposed extension area. Bail Hill is 910m the south east of the proposed extension area and 1km from the existing quarry. Other isolated properties are more distant.
7. The site comprises Grade 4 (poor) agricultural land under the Agricultural Land Classification system as identified on Natural England's Agricultural Land Classification map North East Region.
8. The application site, and existing quarry, is located within an Area of Higher Landscape Value (AHLV) as defined in the County Durham Plan. The North Pennines Area of Outstanding Natural Beauty lies to the north of the B6279 approximately 470m from the existing site and 500m from the proposed extension at the closest point.
9. There are no ecological designations within or adjacent to the application site. The closest site is Pallet Crag Local Wildlife Site (LWS) some 970m to the north and Pallet Crag Woodland Ancient & Semi-Natural Woodland. Shipley and Great Woods Site of Scientific Interest (SSSI) lies some 1.1km to the south west, Baldersdale Woodlands SSSI to the 1.9km to the south west and 1.7km to the north is Crag Gill SSSI. Bollihope, Pikestone, Eggleston and Woodland Fells SSSI, the North Pennine Moors Special Protection Area (SPA) and North Pennine Moors Special Area of Conservation (SAC) are over 1.7km to the north of the site. 3km to the south west are Cotherstone Moor SSSI, the North Pennine Moors SPA and North Pennine Moors SAC. Ancient & Semi-Natural Woodland at Shipley Banks Quarry is 650m from the application site to the south west and 800m to the south east are Barton Gill Ancient & Semi-Natural Woodland and Baxton Gill Ancient Replanted Woodland. Scroggs Ancient Replanted Woodland is 1km to the south north east.
10. The site is also within the Teesmouth and Cleveland coast Special Protection Area (SPA)/Ramsar site nutrient neutrality catchment.

11. No trees within the application site or adjacent to it are covered by a Tree Preservation Order (TPO). The closest is the 1.2km to the north west, Barnard Castle Rural District Council (Handkerchief Plantation, Eggleston) Tree Preservation Order 1 (BCRDC-2-1971).
12. There are no designated heritage assets within the application site. The closest designated heritage asset to the proposed extension is the Grade II Roger Moor Farmhouse and Dairy Adjoining approximately 290m the north west. Approximately 450m to the south east is the Township Road Marker Stone C.50 Metres East of Moss Mire. 720m to the south west are the Grade II Byres and Loft South-East of High Shipley and High Shipley. 1.1km to the north east are the Grade II Township Road Marker Stone Opposite Howegill Plantation (north side) and the Township Road Marker Stone Opposite Howegill Plantation (south side). The Grade II Township Road Marker Stone C.100 Metres South of Handkerchief Plantation is further distant at 1.11km from the application site to the north west.
13. There are no public rights of way within or immediately adjacent to the application site. There are footpaths in the area with the closest being Footpath No. 8 (Marwood Parish) approximately 165m to the east which runs north south to the B6278 to the south and B6279 to the north. Footpath No. 9 (Marwood Parish) leads east from Footpath No. 8 (Marwood Parish) to the U46.1. Footpath No. 6 (Marwood Parish) lies approximately 670m to the west. The footpaths link into the wider public rights of way network.
14. The application site is within Flood Zone 1 (low risk) and within a Groundwater Vulnerability Area, Secondary A Aquifer as defined by the Environment Agency. The site does not contain any Strategic Flood Risk Assessment (SFRA) identified overland flow routes or area of low, medium or high surface water flood risk. Howe Gill is located approximately 290m to the north.
15. The application site is included in the Minerals and Waste Site Safeguarding Zone which surrounds the quarry as defined in the County Durham Plan. In addition, the existing quarry is a safeguarded mineral site as defined in the County Durham Plan.

## The Proposal

16. Planning permission is sought for a lateral extension to the east of Windy Hill Quarry (1.36 hectares) for the winning and working of sandstone and progressive restoration of the site. The extension would be worked in four phases each in a south to north direction and produce approximately 1200 tonnes of walling and block sandstone per annum over a 25 year period until 2049, approximately 30,000 tonnes overall. The sandstone lies under 2m of overburden, under which there is around 2.5m of clay rich sandstone lying above a buff yellow sandstone. The applicant indicates that off-site processing would continue to occur at the operator's facility at Barnard Castle.
17. It is proposed that the existing vehicular access as well as the existing screening bund to the south of the existing site, the storage and compound areas located within the existing quarry would be retained to support the extraction operations in the extension area. The proposed extension area cannot be worked without the approval of two associated variation of conditions applications this is because the proposed access to the extension is through the existing quarry. This would necessitate extensions of time being approved for to facilitate the extension as well as extending the time period to extract remaining reserves. These three applications are therefore inextricably related to and dependent upon each other. Should this extension application be approved then officers would determine the variation applications under delegated powers.

Should the extension application be refused then amendments would be required to be made to the variation applications to accommodate this change.

#### Preparatory works

18. Initial works in the proposed extension area would be the fencing off of the first phase of working with a post and wire fence. The rest of the extension area would be unfenced and continue to be grazed. A new screening bund to the south of the extension area would be constructed joining with the existing screening bund to create single bund along the southern perimeter of the site alongside the B6278. Like the existing bund, the proposed bund would be grass seeded. The bund would be constructed in the first 2 years of the proposed development.

#### Proposed scheme of working

19. The proposed extension area would be worked in four phases in an easterly direction. The individual phases would be worked from south to north. The first phase of working would be immediately adjacent to the existing site workings and would be worked from south to north in a similar manner to the existing site. Topsoils would be removed and used to complete restoration in the existing quarry or used to create the screening bund to the south of the site. Overburden material, estimated to be approximately 2 – 3m in thickness, would then be removed and used to backfill any existing void within the main quarry area. If workable sandstone is apparent within the overburden, then the material would be screened using a screen to be located to the south of the main quarry area, or close to the extraction face.
20. The remaining phases would be worked consecutively, and the areas of land associated with them will be fenced off as necessary. Stripped topsoil and overburden would be used in the restoration of the site.

#### Method of working

21. Plant and equipment currently utilised on site would also be used in the proposed extension. 2x 360 excavators with a bucket attachment would be used to extract the sandstone. No blasting would place. The initial clay rich layer of sandstone would then be screened to separate out the clay and the useable sandstone. This material would then be screened through a mobile screen which is estimated to be used one day per week on average. The mobile screen and stockpiling area would be located to the south of the existing working area and close to the working face but would move eastwards into the extension area as quarrying progresses. 1 x loading shovel would be used load the screen and for use in restoration operations.
22. The underlying Buff yellow sandstone, that lies at depth within the quarry, would also be extracted from the site using an excavator. Large blocks of sandstone of good quality, would be exported to the operator's site at Barnard Castle for cutting and processing. If of poorer quality, they would be broken up and sold as walling stone in conjunction with material won from the clay rich sandstone layer.

#### Working hours

23. The proposed working hours would be 07:00 to 19:00 hours Monday to Friday, 07:00 to 13:00 Saturday with no working on Sundays or Public/Bank Holidays. As working would only take place during daylight hours and there is no intention to install lighting at the site, working hours are likely to be reduced and during the winter months likely to finish at 15:00 hours Monday to Friday. This would be the same as permitted for the existing quarry.

## Traffic and access

24. Access to the proposed extension would be via the established access from the B6278 and through the existing quarry. A maximum of 150 loaded vehicles leaving the site per year is predicted resulting in a maximum of 6 per week (3 in and 3 out).

## Employment

25. F&R Jacksons, as a company, includes the existing quarry, stone cutting at the depot, contracting work from the depot and the Company has its own hauliers employing 15 people in total. Employees work on whatever is necessary at the time. The existing quarry supports the employment and work base at F& R Jacksons as would the extension, rather than creating new jobs.

## Restoration

26. The site would be progressively restored using on site overburden and waste sandstone, followed by soils. Post restoration ground levels would be near to the original level. The site would be seeded with neutral grassland meadow mix and wet wildflower meadow seed mix and used for grazing. A ditch around the eastern side of the site would collect and direct surface water runoff to the low point in the site which may result in an area of ephemeral wetland depending on the quantity on rainfall.
27. The application is being reported to Planning Committee as it is major development and to County Committee because it involves major minerals development.

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## **PLANNING HISTORY**

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28. Planning Permission No. CA450284 for the quarrying of freestone was granted in January 1967. A review of this permission under the provisions of the Environment Act 1995 was agreed in March 1999 which established a new scheme of conditions at the site incorporating a revised scheme of working and restoration (MRA/6/3).
29. An application for a 0.41ha extension to the north of the original site was approved in June 2010 (CMA/6/43) for a period of 10 years.
30. In July 2014 Planning Permission No. DM/14/00794/VOCMW for a variation of Conditions 5 and 6 of MRA/6/3 to extend the time limit for extraction and restoration was approved. Although the application stated that the time period for extraction would be until 31 March 2019 and the period for restoration until 31/03/2020, actual dates are not included on the decision notice.
31. An application for the variation of Conditions 4 (Extraction period) and 5 (Restoration period) pursuant to Planning Permission No. DM/14/00794/VOCMW to extend the time period for extraction until 2047 and restoration until 2048 and allow access into proposed extension area (Application No. DM/23/00086/VOCMW) has been submitted. In addition, an application for the variation of Condition 7 (Extraction period) pursuant to Planning Permission No. CMA/6/43 to extend the time period for mineral extraction until 2047 and allow access into proposed extension area (Application No. DM/23/00087/VOCMW) has been submitted. Determination of these applications are dependent upon the approval of the proposed extension application. The two applications will therefore be determined following the determination of the extension application under delegated authority granted to the Head of Planning and Housing.

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## PLANNING POLICY

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### NATIONAL POLICY

32. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
33. In accordance with Paragraph 225 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
34. *NPPF Part 2 – Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
35. *NPPF Part 4 – Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
36. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
37. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
38. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

39. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
40. *NPPF Part 15 – Conserving and Enhancing the Natural Environment.* Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
41. *NPPF Part 16 – Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
42. *NPPF Part 17 – Facilitating the sustainable use of minerals.* It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

43. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; appropriate assessment; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; land stability; light pollution; minerals; natural environment; noise; open space, sport and recreational facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

The County Durham Plan (October 2020)

44. *Policy 10 – Development in the Countryside* – States that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions.
45. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted

where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.

46. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
47. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
48. *Policy 26 – Green Infrastructure* – States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
49. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
50. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
51. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
52. *Policy 36 – Water Infrastructure* – Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate



locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

53. *Policy 38 – North Pennines Area of Outstanding Natural Beauty* – states that the North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material considerations.
54. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
55. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
56. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
57. *Policy 42 – Internationally Designated Sites* – States that development that has the potential to have an effect on internationally designated site(s), either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
58. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – States that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse

impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.

59. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
60. *Policy 47 – Sustainable Minerals and Waste Resource Management* – States that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by encouraging all proposals for mineral extraction to minimise the amount of mineral waste produced in extraction, handling, processing and stockpiling; and to maximise the potential for mineral waste to be used in recycling or on-site restoration and encouraging and permitting the concurrent working of two or more minerals from the same site provided that the operation or restoration of the site is not prejudiced or significantly delayed, the overall proposal remains acceptable and does not have an unacceptable adverse impact on either the environment, human health or the amenity of local communities.
61. *Policy 48 – Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites* – states that existing and allocated minerals sites, minerals processing facilities and minerals related transportation infrastructure and important waste management sites shall be safeguarded and protected from all non-mineral and non-waste related development. Planning permission will not be granted for non-minerals or non-waste related development that would result in the loss of existing or allocated minerals processing facilities and minerals related transportation infrastructure and waste management sites unless: where the facility, infrastructure or site is in active use an alternative suitable site within an acceptable distance can be provided, which is at least as appropriate and acceptable for the use as the safeguarded site; or the facility, infrastructure or site is not in active use and it can be demonstrated that it no longer meets the current or anticipated future needs of the minerals, building and construction industry or the waste management industry; or the need for the alternative development outweighs the benefits of retaining the existing, or allocated infrastructure, facility or site. The Policy also states that planning permission will not be granted for non-minerals or non-waste related development next to a safeguarded minerals processing facility, minerals related transportation infrastructure, minerals site or waste management site, or within a defined minerals or waste site safeguarding zone (where defined in the policies map document) other than in certain circumstances.
62. *Policy 54 – Natural Building and Roofing Stone* – States that planning permission will be granted for proposals for new and extensions to existing natural building and roofing stone quarries where it can be demonstrated that it will help maintain a steady, adequate and diverse supply of natural building and roofing stone and provided that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities. In order to avoid unacceptable adverse impacts, proposals for natural building and roofing stone working which are considered to be major mineral development, due to their scale and nature, should not normally be located within the North Pennines AONB or in locations which could adversely affect the setting of the AONB. All such proposals will be required to meet the tests for major

development and the requirements of Policy 38 (North Pennines Area of Outstanding Natural Beauty). Proposals for natural building and roofing stone working within the AONB, which are not considered to be major mineral developments, should demonstrate that they contribute to the achievement of, or are consistent with, the North Pennines AONB Management Plan and North Pennines AONB Planning Guidelines. Such proposals are required to be carefully assessed and need to demonstrate the requirements for the stone.

**COUNTY DURHAM MINERALS LOCAL PLAN (DECEMBER 2000) [MLP] POLICY:**

63. *Policy M38 – Water Resources* – states that if a proposal for mineral development would affect the supply of, or cause Yes contamination to, underground, or surface waters, it should not be permitted unless measures are carried out as part of the development to mitigate those impacts throughout the working life of the site and following final restoration.
64. *Policy M42 – Road traffic* – states that mineral development will only be permitted where the traffic generated can be accommodated safely and conveniently on the highway network and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
65. *Policy M43 – Minimising traffic impacts* – requires that planning conditions should be imposed, and planning obligations or other legal agreements sought, to cover a range of matters such as routeing of traffic to and from the site, highway improvements or maintenance, prevention of the transfer of mud and dirt onto the public highway and operating hours of lorry traffic to and from the site.
66. *Policy M45 – Cumulative impact* – requires that when considering proposals for mineral development the cumulative impact of past, present and future workings must be considered and states that planning permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of the Plan.
67. *Policy M46 – Restoration conditions* – indicates that conditions will be imposed, planning obligations or other legal agreements sought as necessary to cover a range of issues relating to the satisfactory restoration of minerals sites.
68. *Policy M47 – After uses* – provides advice in relation to proposals for the after use of mineral sites.
69. *Policy M50 – On site Processing* – states that where planning permission is required, minerals processing and manufacturing plant, and other developments ancillary to mineral extraction, will be permitted within the boundaries of mineral extraction sites provided that: a) in the case of processing plant, it is required to process minerals extracted from the mineral working site; or b) in the case of manufacturing plant, the greater part of the minerals to be used to manufacture the product will be extracted from the mineral working site and the manufacturing activity will remain ancillary to the primary use of the site for mineral extraction; or c) in the case of other ancillary development, it is required solely in connection with the administration or servicing of the site. In granting planning permission for plant and machinery, conditions will be imposed, and planning obligations or other legal agreements sought, to cover the following matters as necessary: i) minimisation of environmental impact; ii) ensuring the removal of plant, structure or buildings as soon as extraction of minerals from the site has ceased; iii) preventing the import of material from elsewhere, other than material necessary for the operation of the plant but which is not capable of extraction from the site

70. *Policy M51 – Storage* – in granting planning permission for mineral stocking areas conditions will be imposed and planning obligations or other legal agreements sought, to cover the following matters as necessary: a) minimisation of environmental impact; b) time limits on the storage of materials after working has ceased; c) preventing the import of materials from elsewhere.
71. *Policy M52 – Site management* – states the ability and commitment of the intended operator to operate and reclaim the site in accordance with the agreed scheme will be taken into account.

**NEIGHBOURHOOD PLAN:**

72. There is no Neighbourhood Plan for this area.

**RELEVANT EMERGING POLICY:**

**COUNTY DURHAM MINERALS AND WASTE POLICIES AND ALLOCATION DOCUMENT (MAIN MODIFICATIONS (JANUARY 2024))**

73. *Policy MW1 – General Criteria for Considering Minerals and Waste Development* – This policy is permissive towards proposals where it can be demonstrated that they will not result in individual or cumulative unacceptable adverse impacts on human health and the amenity of local communities, the environment of County Durham (including its landscape, biodiversity and geodiversity, historic environment, surface and groundwater, flood risk, the best and most versatile agricultural land and soil resources), the local and strategic road network and public rights of way network, upon climate change, land stability and also aviation safety.
74. *Policy M3 – Benefits of Minerals Extraction* – States that in determining planning applications for minerals extraction, including extensions of time to existing sites to allow full recovery of permitted reserves, great weight will be given to the benefits of mineral extraction.
75. *Policy MW4 – Noise* – This policy seeks to protect the environment and the amenity of local communities, minimise future complaints by requiring the proposed operator, to demonstrate how they propose to minimise, mitigate and whenever possible remove noise emissions at source. The policy is permissive where the operator can demonstrate that noise levels, subject to specific circumstances which may justify some small variation do not give rise to an unacceptable impact at specifically identified noise-sensitive properties and locations. Guidance on noise limits during normal working hours (07:00 to 19:00), during the evening (19:00 to 22:00), during the night time period (22:00 to 07:00), upon tonal and peak noise and noisy short term activities is provided.
76. *Policy MW5 – Air Quality and Dust* – This policy sets out that proposals for mineral and waste development will only be permitted where it can be demonstrated that the proposed development will not have an unacceptable adverse impact either individually or cumulatively on the environment, amenity or human health through 1). The emission of one or more air quality pollutants including those associated with vehicle emissions, and point sources of pollution which would expose people to harmful concentrations of air pollutants and/or have an unacceptable adverse impact on biodiversity and/or have and unacceptable adverse impact on any Air Quality Management Area within the County and 2). as a result of dust emissions from dust from dust generating activities from within a site upon residential properties and other dust sensitive land uses.

77. *Policy M6 – Blasting* – This policy states *that* proposals for minerals working will be permitted where the operator can demonstrate that, where blasting is required, blast vibration has been minimised and that there are no unacceptable adverse impacts either individually or cumulatively on the environment, and that the ground vibration resulting from blasting will not have an unacceptable adverse impact on people within buildings or to buildings and structures.
78. *Policy MW7 – Traffic and Transport* – This policy sets out that the transport implications of proposals of must be assessed through the use of a transport assessment or a transport statement. That the Council will seek to maximise the use of sustainable forms of transport, where opportunities exist and are practicable and economic including the scope for the movement of minerals by rail from existing and new transport infrastructure and changing transport technologies. That proposals will be permitted where it can be demonstrated that: they provide safe and suitable access for all employees and visitors which optimises where practicable the use of public transport, walking and cycling; and that vehicular traffic generated by the proposed development does not have an unacceptable adverse impact on highway safety on the strategic or local road network. It also addresses the use of planning conditions, obligations or legal agreements including in relation to the number of lorry movements, their operating hours and routeing, highways improvements and maintenance, the prevention of dust and dirt onto the public highway.
79. *Policy M10 – Ancillary Minerals Related Infrastructure* – This policy sets out that proposals for ancillary minerals related infrastructure will be permitted at active mineral sites and on employment land. Proposals will be permitted at active mineral sites where it can be demonstrated that there is a functional relationship between the mineral extraction and the ancillary infrastructure, that the ancillary infrastructure will be removed and restored as soon as extraction of minerals from the site has permanently ceased or any longer period as agreed, and that the ancillary infrastructure can be satisfactorily located and will not individually or cumulatively in association with the mineral site have an unacceptable adverse impact on the environment, human health, or the amenity of local communities in accordance with the requirements of other relevant plan policies.
80. *Policy MW20 – Mineral Site Restoration, Landfill and Landraise* – This policy set out that proposals must include a high quality scheme for the restoration, after-use and aftercare for the site. Proposals will be permitted where it can be demonstrated that they: deliver high quality restoration appropriate to the site and its surroundings; minimise harm to acceptable levels and are carried out at the earliest opportunity and are progressive in nature where this can reduce impacts; are designed to mitigate the effects of the development in that location and provide appropriate environmental enhancements (including where appropriate (deliver climate change adaptation and mitigation measures; provide benefits to geodiversity; enhance the character and distinctiveness of the local landscape; enhance or reveal the significance of heritage assets, historic character and the archaeology of the site; provide improved public access and recreation and assist in the delivery of all relevant plans and strategies); deliver a minimum 10% net gain to biodiversity; provide for the aftercare of the site; make best use of onsite materials for restoration purposes; and are feasible in technical and financial terms and the operator is capable of, and committed to, their delivery.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan and County Durham Minerals Local Plan): <https://consult-durhamcc.objective.co.uk/kse/event/37842> (County Durham Minerals and Waste Policies and Allocation Document tracked changes version to accompany consultation on Main Modifications (January 2024)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

81. *Highway Authority* – has raised no objections advising that from a Highways perspective the proposal would be considered acceptable subject to highways conditions 7, 8 and 9 of Permission DM/14/00794/VOCMW being applied to this permission. These conditions relate to access, provision of wheel washing/mud removal and requirement for open vehicles to be covered by sheeting.
82. *Environment Agency* – raise no objection subject to a condition preventing dewatering. The Environment Agency originally objected to the planning application because the risks to groundwater from the development were considered to be unacceptable. Additional information was submitted and considered sufficient to allow the Agency to remove its objection. Advice is also provided with regard to abstraction licences, the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP) and the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste.
83. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has no concerns regarding flood risk and would offer no objection or further comments.
84. *Natural England* – raise no objection subject to appropriate mitigation being secured. Natural England originally advised that the application could have potential significant effects on North Pennine Moors Special Protection Area (SPA) and further information was required in order to determine the significance of these impacts and the scope for mitigation. Upon the receipt of further information, Natural England advises that it has no objection subject to appropriate mitigation being secured consider that without appropriate mitigation the application would damage or destroy interest features for which Bollilhope, Pikestone, Eggleston and Woodand fells Site of Special Scientific Interest (SSSI) has been notified. In order to mitigate these adverse effects and make the development acceptable mitigation measures are required, in the form of reasonable avoidance measures as described in the submitted Preliminary Ecological Appraisal and Breeding Birds Survey report. It is recommended that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.
85. With regards to the Habitats Regulations Assessment (HRA) no objection is raised by Natural England and an HRA ‘Screening’ record is advised. Advice on SSSIs and designated sites/landscapes and advice on other natural environment issues is also provided. including best and most versatile agricultural land and soils, protected species, local sites and priority habitats and species, ancient woodland, ancient and veteran trees, environmental gains, green infrastructure, access and recreation, rights of way, access land, coastal access and national trails biodiversity duty. Natural England notes that the proposed development is for a site within the setting of a nationally designated landscape namely the North Pennines AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

### INTERNAL CONSULTEE RESPONSES:

86. *Spatial Policy* – has raised no objections highlighting relevant development plan policies with the principal relevant policy being CDP Policy 54 (Natural Building and

Roofing Stone). It is noted that in order to ensure a steady and adequate supply of natural building stone, the CDP is clear that that further permissions will be required to ensure that supplies can be maintained at steady and adequate levels. There is therefore not an in principal policy objection to further natural building and roofing stone on need grounds, nevertheless, CDP Policy 54 is clear that this is provided that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities. Officers note that by virtue of the site's location key considerations will be the acceptability if adverse impacts upon landscape, specifically the Area of Higher Landscape Value in which the quarry and its extension area are located and the need to consider any potential adverse effects on the nearby AONB, residential amenity and the public rights of way network. In addition to considering site locational and site specific impacts officers consider it will be important to ensure in accordance with NPPF provisions and emerging M&WDPD Policy M3 that great weight is given to the benefits of mineral extraction including to the economy.

87. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections. Officers note that there are no residential receptors within 400m of the proposed extension, as Moss Close is noted to be long-term unoccupied. There are not considered to be any special circumstances e.g. high local PM10 concentrations and therefore a detailed mineral dust assessment can be screened out according to IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning (IAQM (2016)). It is noted in the submitted Planning Statement that good practice measures such as those current used on site would continue to be used, and that these have been successful in the past at controlling fugitive dust emissions such that no complaints have been received on this matter. Therefore, there is no objection to the application or its associated applications DM/23/00086/VOCMW and DM/23/00087/VOCMW on air quality grounds.
88. *Environment, Health and Consumer Protection (Nuisance Action)* – raise no objections to the proposals. Officers consider that the information submitted demonstrates that the application complies with the thresholds stated within the Council's Technical Advice Notes (TANS). This would indicate that the development would not lead to an adverse impact. Should planning permission be granted then conditions relating to noise and dust within Planning Permission No. CMA/6/43 should be applied. Officers have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance. As an advisory an environmental permit may be required to be held for the quarrying operations under the terms of the Environmental Permitting (England & Wales) Regulations 2016.
89. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals having assessed the historical maps and available information with respect to land contamination. There is no requirement for a contaminated land condition but it is recommended that that an informative relating to circumstances where unforeseen contamination is encountered.
90. *Landscape* – has raised no objections, however, Officers are of the view that there would be some localised harm to the character and quality of the landscape arising from the development. Subject to design considerations which can be secured through condition, the harm would be localised and of a low-medium or medium magnitude within the immediate local landscape and low or negligible in the wider landscape. There would also be some localised harm to the special qualities of the AHLV being temporary but medium - long term in respect of condition and scenic value. The proposals would not therefore conserve those special qualities until fully

restored. The extent to which the benefits of development in this location outweigh the harm is a matter of planning judgement. Officers do not consider the proposals to be harmful to the special qualities or statutory purposes of the AONB.

91. *Ecology* – raises no objections to the proposals following the submission of additional information. As the site is located within proximity to the North Pennine Moors SPA in an area identified as being of risk of being functionally linked to the SPA adequate breeding bird surveys, covering the Upland bird breeding season were requested. An update to the submitted Biodiversity Net Gain information was also requested. Following receipt of the additional information Officers note that Natural England is happy for the Council to conclude no LSE with respect to likely impacts on the North Pennine Moors SPA. Officers are content with the proposed enhancement of the site to ensure a Net Gain in biodiversity can be achieved, however it remains unclear as to what the future management would be which would ensure that at least a ‘moderate’ condition sward is achieved, in line with the Defra metric provided. The detail of this would need to be provided and secured by appropriate planning agreement as deemed necessary.
92. *Access and Rights of Way* – has raised no objections to the proposals noting that no public rights of way are affected by the proposal.
93. *Design and Conservation* – raise no objection but advise that there would be harm to the setting of the 19th century Roger Moor Farm group, with the main farmhouse and dairy being Grade II listed. Officers consider that the proposal would not meet the requirements of NPPF Section 16 and CDP Policy 44 that expect development proposals to sustain, conserve and where possible enhance the significance of designated heritage assets including the contribution made by setting. The level of harm is regarded as being ‘less than substantial’ and in there would be a need to consider if there are public benefits demonstrated that would outweigh the harm in the overall planning balance in accordance with Paragraph 208 of the NPPF.
94. *Archaeology* – has raised no objections. Officers note that the results of an archaeological evaluation of this area have been submitted with the application which revealed only limited significance archaeological remains. There is therefore no archaeological objection to this scheme.

#### **PUBLIC RESPONSES:**

95. The application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 11 neighbouring properties. 1 representation has been received, this being an objection from the Council for the Protection of Rural England (CPRE) Durham.
96. *Council for the Protection of Rural England (CPRE) Durham* – objects to this application and to the two variation of condition applications noting them to be related. CPRE accepts, having regard to relevant policies in the County Durham Plan, that in principle the site is allocated for this type of development. However, it is noted that the site is within an AHLV and 500m from the North Pennines AONB and concerns are raised regarding the impact upon the designations. Concerns are also raised regarding Biodiversity Net Gain noting that although the site is not in a protected area there are many birds of conservation concern that are found here, and CPRE considers that the gains should not just seek to protect them but to enhance their conservation. It is also stated that CPRE understands, the current permissions are due to expire in 2024, and it is represented that any application to extend them for a further 24 years should only be approved if there are compelling circumstances. In view of the lack of information CPRE represent that such circumstances have not been



made out. As a result, on present information, CPRE object to these applications and represent that they should be refused permission.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

*<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

#### **APPLICANTS STATEMENT:**

97. F & R Jackson Ltd is a small family run independent business established in 1973, with premises at Staindrop and Barnard Castle. They have operated Windy Hill Quarry, which is located only 5km from their depot at Barnard Castle, since 1984.
98. Windy Hill Quarry is a sandstone quarry, which is small in quarrying terms. The Quarry produces a beautifully coloured buff sandstone which is used extensively for the repair and construction of the traditional drystone walls in the North of England, as well as other landscape features. The Quarry also produces large blocks of sandstone which are taken to their depot in Barnard Castle, from here their team of local, highly skilled stonemasons create sandstone heads, cills, lintels, hearths and steps to customer specification.
99. The Quarry is located to the north of the B6278, on open land that overlooks Barnard Castle. It is not within the AONB or within any national or internationally sites designated for their ecological interest. No blasting is necessary, and the stone is extracted using an excavator and, as necessary, the small material is screened on site for walling stone.
100. The extraction depth is no deeper than 293metre AOD and the quarrying void is being backfilled with the overburden that is removed to expose the sandstone. An existing screening bund to the south of the site screens the site from the road.
101. The proposed extension is a small extension, including 1.4 hectares of land, that would take up the corner of the adjacent field. The site will be operated in the same manner as it is now and as set out above. The site will continue to be accessed from the B6278 and the existing compound area will be retained to support the extension area and the existing screening bund to the south of the site will be extended in order that the extension will be screened from drivers on the B6278.
102. Overall, this is a very small sandstone site operated by a long-established local family business. The sandstone products are marketed across the region and used in construction, agricultural and residential projects across the area. Its impacts are negligible. There are few residential properties nearby and no complaints have been received in relation to its operation. The site may be close, but it is not within the AONB or any of the national or internationally designated areas, and ecological survey work shows that the extension area will not have any impact on these sites.
103. Windy Hill Quarry has received Durham County Council's High-Grade Mark for the last 2 consecutive years, awarded following annual monitoring visits. This clearly demonstrates the operator's ability to adhere to the terms of the planning conditions attached to the planning permission for their site and if applicable, associated planning obligation(s).
104. In conclusion, the small extension to this site will have a negligible impact on the surrounding environment and will allow this family business to continue to provide natural sandstone products that are vital for both the preservation and creation of our natural landscape.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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105. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, landscape and visual impact and the AONB, biodiversity interests, access and traffic, recreational amenity, cultural heritage, contamination and land stability, flooding and drainage, cultural heritage, agricultural land, cumulative impact, other matters and public sector equality duty.

### Principle of Development

106. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the remaining saved policies of the County Durham Minerals Local Plan (MLP) comprise the statutory development plan and is the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The MLP was adopted in 2000 and was intended to cover the period to 2016. However, NPPF Paragraph 225 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. The CDP replaces the principle policies of the MLP with the remaining saved policies set out in the Policy section above.

107. The principal of development for the 'winning and working' of sandstone (natural building and roofing stone) at the existing Windy Hill Quarry has been previously established by virtue of previous planning permissions. This proposed lateral extension constitutes new mineral working and requires assessment against relevant statutory development plan policies and other material considerations.

108. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole.

109. In light of the adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). It is considered that the key Policies for determining the principle of this application are CDP Policies 10 and 54. Accordingly, Paragraph 11(d) of the NPPF is not engaged by virtue that the most important and relevant policies within the CDP are considered to be consistent with the NPPF and are up to date. There are also a number of applicable environmental protection policies both within the CDP, MLP and the NPPF which are considered below.
110. A Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD) to complement the strategic minerals and waste and relevant environmental policies of the CDP. Once it is adopted all remaining saved CDMLP and CDWLP policies will be superseded. Consultation commenced on the Publication Draft M&WDPD in November 2022 and ended in January 2023. The emerging M&WDPD was submitted to the Secretary of State for examination in July 2023 and an examination was held in September 2023. Consultation on main modifications commenced on 26 January 2024 and will end on 8 March 2024. Subject to a positive Inspectors report it is anticipated that that the M&WDPD will be adopted in July 2024. There were relatively few and no significant objections to the provisions of the Publication Draft M&WDPD. Given these circumstances, in accordance with NPPF Paragraph 48 it is considered that limited weight can be currently attached to its provisions. This weight will increase as the M&WDPD progresses beyond the main modifications consultation with greater weight being applied subject to a favourable Inspector's Report).
111. Emerging policies MW1 and M3 are also relevant to the consideration of the principle of this development.
112. Paragraph 217 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:
- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
  - b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
  - c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
  - d) not grant planning permission for peat extraction from new or extended sites;
  - e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
  - f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and

- g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.
113. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (of the CDP) and includes all applicable policies relating to minerals and waste development. As this is a minerals development it is considered that the development could be allowed for by specific policies in the plan (CDP Policy 54). The development therefore does not have to demonstrate an exception to CDP Policy 10, but the 'General Design Principles for all Development in the Countryside' are still applicable.
114. CDP Policy 10 requires applications to be considered in relation to 'General Design Principles for all Development in the Countryside'. The Policy states that new development in the countryside must not (l) give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, (m) result in the merging or coalescence of neighbouring settlements, (n) contribute to ribbon development, (o) impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, (p) be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, (q) be prejudicial to highway, water or railway safety; and (r) impact adversely upon residential or general amenity. Development must also (t) minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and (t) where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
115. Given the nature and location of the proposed development, applicable criterion in this instance are criterion l. which states, 'give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for'; criterion q. which states, 'be prejudicial to highway, water or railway safety'; r. which states, 'impact adversely upon residential or general amenity'. Criterion s. states, 'minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding'. These matters are considered within this report.
116. The development is not located within or close to a settlement, it would not result in the coalescence of settlements or adversely impact on the townscape of neighbouring settlements. The proposals would also not constitute ribbon development, nor does it affect brownfield land. As a result, criterion o, m, n and t are not relevant.
117. CDP Policy 47 (Sustainable Minerals and Waste Resource Management) states that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by encouraging all proposals for mineral extraction to minimise the amount of mineral waste produced in extraction, handling, processing and stockpiling; and to maximise the potential for mineral waste to be used in recycling or on-site restoration and encouraging and permitting the concurrent working of two or more minerals from the same site provided that the operation or restoration of the site is not prejudiced or significantly delayed, the overall proposal

remains acceptable and does not have an unacceptable adverse impact on either the environment, human health or the amenity of local communities.

118. Paragraph 215 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. This is replicated in Paragraph 5.485 of the CDP explains that minerals are a finite natural resource and can only be worked where they found. In order to support their sustainable management and long term conservation it is essential to make best use of them through: providing for a steady and adequate supply of minerals including aggregates and industrial minerals to provide the infrastructure, buildings, energy and goods that the country needs; encouraging the conservation of minerals through the efficient extraction of minerals and the reduction and productive use of mineral waste; encouraging the concurrent working of minerals where two or more minerals naturally occur.
119. The proposal is an extension to an established quarry seeking a lateral extension to allow the continuation of supply for 25 years for dry stone walling and construction. Waste arising from the site and associated processing would be used for onsite restoration and not taken off site. The concurrent working of minerals is not applicable proposed given the geology of the site, with only the sandstone in the clay rich layer and underlying buff yellow sandstone is of commercial interest.
120. The application site is, however, located within an AHLV and is some 500m from the AONB as well as a number of ecological and designations. There are also designated heritage assets in close proximity. The impacts of the proposed development upon these are considered within this report.
121. CDP Policy 54 states that planning permission will be granted for proposals for new and extensions to existing natural building and roofing stone quarries where it can be demonstrated that it will help maintain a steady, adequate and diverse supply of natural building and roofing stone and provided that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.
122. CDP paragraph 5.541 states that planning to ensure a steady and adequate supply of natural building stone is a challenge. Unlike other minerals where recent information on production and permitted reserves is available, only very limited information is available. The County Durham Minerals Technical Paper explains that for many years the Office of National Statistics (ONS) provided the only consistent source of information. No information on the scale of production is available since 2007 and in previous years information on the scale of production has not been consistent. However, in 2019 when the CDP was prepared it was estimated that production in recent years may fall to between 10-15,000 tonnes per annum. It is clear, however, that during the last eleven years County Durham's capacity to supply natural building and roofing stone has declined, following the cessation of working at Dead Friars Quarry (near Stanhope) in 2015, Baxton Law Quarry (near Hunstanworth) in 2012 and Lingberry Quarry (near Staindrop) in 2018. Therefore, following the closure of these other quarries, Windy Hill Quarry is one of only five remaining natural building and roofing stone quarries in County Durham. Together with Dunhouse Quarry and its extension which has the potential to supply up to 8,000 tonnes per annum, Windy Hill Quarry has been the principal source of natural building and roofing stone from County Durham quarries in recent years. In recent years Cat Castle Quarry and Shipley Banks Quarry have both been worked sporadically and Stainton Quarry is only working existing waste heaps with some in situ stone.

123. CDP Policy 54 is permissive to proposals for new and extensions to existing natural building and roofing stone quarries where it can be demonstrated that it will help maintain a steady, adequate and diverse supply of natural building and roofing stone and provided that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities. In order to ensure a steady and adequate supply of natural building stone, CDP paragraph 5.542 is clear that that further permissions will be required to ensure that supplies can be maintained at steady and adequate levels. It is understood that remaining reserves within the quarry are now limited. The extension would facilitate the continued supply of walling, stone which could be used in the surrounding locality and block sandstone to be used by the construction industry for lintels and sills. It is considered that without a lateral extension to Windy Hill Quarry the County's ability to supply natural building stone would be further reduced. There is therefore not an in principal policy objection to further natural building and roofing stone on need grounds, nevertheless, CDP Policy 54 is clear that this is 'provided that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities'. By virtue of the application site's location, key considerations are the acceptability if adverse impacts upon landscape, specifically the AHLV in which the quarry and its extension area are located, in this regard it is also necessary to consider any potential adverse effects on the nearby AONB which could adversely affect the setting of the AONB. Amenity impacts on nearby farmsteads and the PROW network are also important. In addition to considering site locational and site specific impacts it is important to ensure in accordance with NPPF provisions and emerging M&WDPD Policy M3 that great weight is given to the benefits of mineral extraction including to the economy.
124. CDP Policy 54 also sets out in policy a locational approach for future natural building and roofing stone. It states, 'In order to avoid unacceptable adverse impacts, proposals for natural building and roofing stone working which are considered to be major mineral development, due to their scale and nature, should not normally be located within the North Pennines AONB or in locations which could adversely affect the setting of the AONB. All such proposals will be required to meet the tests for major development and the requirements of CDP Policy 38 (North Pennines Area of Outstanding Natural Beauty)'.
125. Emerging M&WDPD Policy M3 states that in determining planning applications for minerals extraction, including extensions of time to existing sites to allow full recovery of permitted reserves, great weight will be given to the benefits of mineral extraction.
126. There are also a number of applicable environmental protection policies within the CDP, MLP, M&WDPD and the NPPF which are considered below.

#### Residential Amenity

127. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate

impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 193 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

128. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated. CDP Policy 10 states that new development in the countryside must not impact adversely upon residential or general amenity.
129. The nearest residential property is Roger Moor Farm some 245m to the north of the existing quarry and 290m from the proposed extension. The unoccupied Moss Close lies to the north east 190m from the proposed extension. Other occupied dwellings are further distant being over 500m from the site as described above. No representations have been received from members of the public.
130. The proposal is for a 1.36 ha extension to an existing sandstone quarry for a period of 25 years with restoration being completed within 12 months of the cessation of extraction. No blasting is proposed. The proposed working hours of 07:00 to 19:00 hours Monday to Friday, 07:00 to 13:00 Saturday with no working on Sundays or Public/Bank Holidays, would be limited in winter months as working would only take place during daylight hours.
131. Mineral processing currently takes place at the existing site in the form of the screening of the stone to produce a walling stone which is then exported to market and block stone is transported to the site operator's facility at Barnard Castle for processing. Temporary storage of mineral occurs within a designated area within the existing site. The existing mobile screen and stockpiling area would move eastwards into the extension area, as the quarrying progress. Where planning permission is required, MLP Policy 50 provides the policy framework for minerals processing and manufacturing plant and other ancillary developments ancillary to mineral extraction. This Policy is consistent with the NPPF and is not time limited. It is intended that this policy will be replaced by emerging Policy MW10 of the emerging Minerals and Waste Policies and Allocations Document.
132. The environmental impacts of stockpiling would be controlled through condition. The proposals would not conflict with MLP Policies M50 and M51, Policies which are considered to be consistent with the NPPF and can be given full weight in the decision-making process. The approach of Policies M50 and M51 are in line with the NPPF and specifically its provisions which requires that planning policies set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health. These Policies are not time limited or out of date.
133. The key issues in terms of residential amenity are noise, dust, lighting, vehicle movements and visual impact and these are considered below.

## Noise and vibration

134. Government guidance as contained in the National Planning Practice Guidance (NPPG) advises that during normal working hours (0700 – 1900) and subject to a maximum of 55dB(A) LAeq1h (free field), mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that where this would be difficult to achieve without imposing unreasonable burdens on the mineral operator, the limit set should be as near to that level as practicable. During the evening (1900 – 2200) limits should not exceed background level by 10dB(A). During the night limits should be set to reduce to a minimum any adverse impacts, without imposing any unreasonable burdens on the mineral operator, but should not exceed 42dB(A) LAeq1h (free field) at noise sensitive properties.
135. The NPPG also recognises that mineral operations will have some particularly noisy short-term activities that cannot meet the limits set for normal operations. These include soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. The PPG advice is that increased temporary daytime noise limits of up to 70dB(A) LAeq1h (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered in order to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is expected to take longer than 8 weeks a lower limit over a longer period should be considered and in wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits.
136. Emerging M&WDPD Policy MW4 reflects advice contained in the NPPG.
137. A noise impact assessment has not been submitted but the application does consider the impact on the noise environment. This notes that the main site has been operational for a number of years and noise levels specified in the NPPG are reflected in conditions of the existing planning permission (DM/14/00794/VOC). No complaints have been received by the applicant, or by the Council, and therefore the existing conditions on the permission appear to be working effectively. The main site and the extension area are both within open moorland with a few nearby residential properties located approximately 300m to the north of the existing quarry and the proposed extension area would not bring the operations any closer to this property. The plant that would be used on the extension area is the same as currently used on the existing main. The mobile processing plant would be moved closer to the operational face, but this is not considered to significantly alter the noise environment. As is at present, the majority of the operations would be taken below the existing ground level as the machinery is seeking to extract the sandstone at depth. This results in the quarry faces acting as a noise buffer in conjunction with a sandstone wall that surrounds the site.
138. Having regard to the nature and location of operations it is acknowledged that noise would be generated but given the proposed method of working and through conditions controlling noise levels noise levels would be kept to an acceptable level.
139. Traffic movements are set out in the 'access and traffic' section and would be limited through condition.
140. Environment, Health and Consumer Protection (Nuisance Action) Officers raise no objections to the proposals and recommend conditions relating to noise as stated on



the existing Planning Permission No. CMA/6/43 limiting the noise levels to 55dB during normal operations and 70dB during temporary operations. Officers consider that the application complies with thresholds in the TAN and indicate that the development would not lead to an adverse impact and based on submitted information consider that the development is unlikely to cause a statutory nuisance.

141. The NPPG does not provide guidance on appropriate noise levels for recreation areas. Previous Government Guidance (MPG11) recommended a noise level of 65dB Leq,1hr during the working day. The closest public right of way is some 145m to the east (Footpath No. 8 (Marwood Parish)). Any noise encountered would only be for the duration that the walker is using the right of way. It is therefore considered that the impact of noise from the proposed development would not have an unacceptable impact upon the recreational value of the countryside, and the proposal would not conflict with CDP Policy 31, emerging M&WDPD Policies MW1 and MW4 and Parts 15 and 17 of the NPPF in this regard.

#### Air quality and dust

142. Mineral sites give rise to dust issues through the movement of overburden, mineral extraction, processing and movement of mineral and through site restoration operations.,. It is also accepted that the generation of dust can only be minimised and controlled rather than eradicated. The impact depends on wind speed, the degree of rainfall and surface topography.
143. Where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study. The NPPG sets out five stages for carrying out a dust assessment. These are: to establish baseline conditions of the existing dust climate around the site of the proposed operations; identify site activities that could lead to dust emission without mitigation; identify site parameters which may increase potential impacts from dust; recommend mitigation measures, including modification of site design, and make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.
144. An air quality assessment has not been submitted but the planning application does consider the impact on the air quality. It is noted that the main site has been operational for a number of years and no complaints have been received by the operator or the Council in relation to fugitive emissions of dust. The machinery that would be used in the proposed extension areas is the same as the machinery that is used on site at present. The application states that the operator currently uses good practice measures, such as the use of a water bowser in dry and windy conditions to ensure dust does not leave the site which has been a successful way of controlling emissions over the life of the existing site and is therefore considered appropriate for the extended site and would be more than sufficient to ensure that there is no fugitive release of dust or particulate matter into the atmosphere.
145. Environmental, Health and Consumer Protection (Air Quality) Officers raise no objections having had regard to the location and distance from residential receptors and noting that existing good practice measures in place at the existing quarry would be applied to the extension should planning permission be granted.
146. Environment, Health and Consumer Protection (Nuisance Action) Officers raise no objections to the proposals and recommend conditions relating to dust suppression as stated on the existing Planning Permission No. CMA/6/43.

## Lighting

147. No lighting is proposed at the site. Though condition no external lighting would be permitted so as not to introduce impacts which have not been considered as part of this planning application.

## Vehicle movements

148. Current planning permissions do not include restrictions on the number of vehicle movements. Vehicle numbers associated with the proposed extension are predicted to be at 150 a year with a maximum of 6 per week (3 movements in/3 movements out). These movements are low in number. The impacts of access and traffic and are considered below.

## Visual Impact

149. Landscape and visual impact are assessed in the section below. In terms of residential amenity, the area is sparsely populated. Given the distance from application site to residential properties, topography and impact to a limited number of residential properties it is considered that the visual impact of the site in terms of residential amenity would not be unacceptable.

## Conclusion to Residential Amenity

150. The key issues of noise, vibration, air quality, dust, light pollution and visual impact, have been considered along with vehicle movements. Environmental Health and Consumer Protection Officers and the Council as Highways Authority have raised no objection to the proposals.
151. Furthermore, Environment, Health and Consumer Protection Officers have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
152. Overall, it is considered that the proposed development would not create an unacceptable impact on living or working conditions or the natural environment. The proposals would not result in unacceptable noise, air quality, dust or light pollution, traffic or visual impact subject to the imposition of conditions controlling noise, dust, lighting as well as conditions recommended by the Council as Highways Authority and Landscape Officers. It is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Parts 15 and 17 of the NPPF. It is also considered that the proposal would not conflict with M&WDPD draft Policies MW1, MW4 and MW5 however given the current stage of the Plan only limited weight can be afforded to these Policies at this time.

## Landscape and Visual Impact and the AONB

153. Paragraph 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
154. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either

individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.

155. CDP Policy 31 states that proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
156. CDP Policy 38 states any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan". The North Pennines AONB Management Plan is based around a goal of a 'landscape better protected for the future, richer in natural and cultural heritage cared for more and providing things they value'. Both mid-term and short term outcomes are identified including 1) 'the landscape delivers more for nature, farmers and the public including climate change mitigation and other natural services' 2) 'Landscape quality and character is protected and enhanced whilst ensuring essential development takes place'. Actions include: 'Planning and other policies/decision making meet community need without compromising the conservation and enhancement of natural beauty, in line with national policy'. The top ten conservation priorities for the North Pennines AONB are aimed at building a nature recovery network across the landscape with priorities in relation to peatland and other soils, species rich grassland, native and mixed woodland and scrub, rivers and riparian habitat, breeding and wading birds, arctic alpine flora, dark sky nights, specific species conservation, archaeological features and historic buildings and structures.
157. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
158. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
159. The application site is located within an AHLV as defined in the County Durham Plan. The North Pennines AONB lies to the north of the B6279 approximately 500m from the proposed extension and 480m from the existing site.
160. The site lies in the North Pennines County Character Area. It lies in the Woodland, Langleydale and Marwood Fringes Broad Character Area which belongs to the Moorland Fringe Broad Landscape Type. The site sits on a broad undulating ridge of high ground between Teesdale and Langleydale. Land use is predominantly permanent pasture in large regular fields defined by low dry stone walls dating from late 18th Century enclosure and crossed by straight enclosure period roads. The landscape is visually open with scattered coniferous plantations and shelterbelts. It is backdropped by the higher ground of Langleydale Common to the north.

161. The County Durham Landscape Value Assessment (2019) assessed the larger unit the site forms part of (3k: Woodland, Langleydale and Marwood Fringes) as being of elevated value across the majority of attributes assessed including condition and scenic value.
162. A Landscape and Visual Appraisal has been submitted with the planning application which seeks to identify and assess the likely landscape and visual effects of the proposed quarry extension upon the site and surrounding area. The Appraisal concludes that the small scale of the proposals and the presence of the existing quarry would mean that effects of the proposed extension on the landscape character of the surrounding area and the visual amenity of the adjacent residents of, road users along the B6278 road and people traveling through the surrounding area would not exceed slight to moderate adverse. The adverse effects would reduce once the site is restored and become beneficial grassland establishes.
163. The Council's Landscape officer has commented on the scheme. In terms of the visual environment, the site is visible in shallow views from the western edge of the ridge within around 750m but is contained in wider views to the south, east and west by topography. Within that area it is visible from a short section of the B6278 adjacent to and east of the site, and a short section of the U46.1 to the east. It is visible from footpaths to the east (Footpath Nos.8 and 9 Marwood Parish) and a short section of footpath to the west (Footpath No. 6 Marwood Parish). It is visible at greater distance from the head of Langleydale and higher ground to the north including parts of the B6282, footpaths (Footpath No. 23 Marwood Parish and Footpath No. 7 Langleydale and Shotton Parish) and access land on Barnard Castle Allotment, Langleydale Common and Peatmoor Crag.
164. Landscape Officers have considered the landscape and visual effects of the proposal. Officers consider that the existing quarry and the proposed extension would not figure prominently in wider views of the landscape and the effects beyond around 1km of the site would not be significant. Officers assess the Woodland, Langleydale and Marwood character area as being of medium sensitivity to development of this nature (a combination of medium-high value and moderate susceptibility). The landscape is attractive, in good condition and generally free from detractors. Although the existing quarry is present it does not have a widespread influence. It sits on a localised high point on the undulating ridge. The existing void is not visible from the road or footpaths to the east and west, although storage and screening mounds are visible on the skyline. The proposed extension would be more visible in some views from the immediate east as it occupies land falling towards the viewer. A screening mound is proposed along the roadside. This would control views into the site from the adjacent section of the B6278 but not from the section of the road to the immediate east (around 150m or so) and Footpath No. 8 (Marwood Parish). Views from the U46.1 and FP 9 to the east would be much shallower. In near views from the north (Roger Moor Farm and Footpath No. 8 (Marwood Parish)) the land falls towards the viewer and operations would be more open to view, seen in the context of existing operations.
165. Landscape Officers consider that there would be some harm to the character of the landscape arising from visibility of bare ground, mobile plant and mounding / stockpiling in these views. The shallow nature of the excavations and the potential for progressive working and restoration have potential to limit the disturbance visible at any one time. It would be important to ensure that temporary storage / stockpiling of soils and materials did not take place in a visually prominent manner or location. Officers note that the working method plans submitted are conceptual at this stage. Given the visual openness of the site consideration should be given to requiring periodic submission of plans for the working and restoration of phases where these matters can be given more detailed consideration.

166. The harm to landscape character would be localised. Depending on site design and management, it would be of a low-medium or medium magnitude in respect of the immediate local landscape and a low magnitude in respect of the wider Woodland, Langleydale and Marwood character area.
167. With regard to CDP Policy 38, Landscape Officers consider that the proposals would not figure prominently in views from the AONB. They would have a localised effect in views of the AONB (upper Langleydale and Langleydale Common) on the approach to Teesdale from the east. Landscape Officers would not consider the proposals to be harmful to the special qualities or statutory purposes of the AONB.
168. With regard to CDP Policy 39, Landscape Officers consider that there would be some harm to the character and quality of the landscape. Subject to the design considerations above the harm would be localised and of a low-medium or medium magnitude within the immediate local landscape and low or negligible in the wider landscape. Whether this would be considered unacceptable will depend in part on the wider planning balance. The quarry would produce walling stone some of which would be used in landscape conservation / restoration works which needs to be accounted as a benefit of the proposals.
169. The proposals do not as they stand incorporate fully resolved mitigation measures. However, Officers consider that this is a matter that could be dealt with by condition. There would be some harm to the special qualities of the AHLV this being temporary but medium - long term, in respect of condition and scenic value. The proposals would not therefore conserve those special qualities until fully restored. Again, the harm would be localised. The extent to which the benefits of development in this location outweigh the harm is a matter for judgement.
170. The proposals would not conflict with CDP Policy 40 as no hedgerows or trees would be affected by the proposals.
171. CPRE notes that the site is within an AHLV and 500m from the North Pennines AONB and raise concerns regarding the impact upon the designations. Council officers have assessed the application in terms of landscape and visual impact as set out in this report.
172. The site is within the setting of the AONB being located approximately 500m to the south of the designated area. Paragraph 182 of the NPPF advise that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. Paragraph 183 of the NPPF advises that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Paragraphs 183 goes on to state that consideration of such applications should include an assessment of:
  - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

173. Footnote 60 of the NPPF states that for the purposes of Paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
174. The above approach is also set out in CDP Policy 38 and the supporting text. CDP Policy 38 states, 'The North Pennines Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced. In making decisions on development great weight will be given to conserving landscape and scenic beauty. Major developments will only be permitted in the AONB in exceptional circumstances and where it can be demonstrated to be in the public interest, in accordance with national policy. Any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes. Any development should be designed and managed to the highest environmental standards and have regard to the conservation priorities and desired outcomes of the North Pennines AONB Management Plan and to the guidance given in the North Pennines AONB Planning Guidelines, the North Pennines AONB Building Design Guide and the North Pennines AONB Moorland Tracks and Access Roads Planning Guidance Note as material consideration.'
175. Natural England does not object to the application subject to appropriate mitigation in respect of ecology. With regard to landscape, Natural England notes that the proposed development is for a site within the setting of a nationally designated landscape namely the North Pennines AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Natural England advises that the Council's decision should be guided by Paragraphs 176 and 177 of the NPPF (Paragraphs 182 and 183 in the December 2023 version of the NPPF) which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. Natural England also advise that for major development proposals Paragraph 177 (now 183) of the NPPF sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.
176. The proposed development is not located within the AONB, and Paragraph 183 of the NPPF and CDP Policy 38 referring to major developments being permitted within the AONB are not therefore applicable, and there is no need to demonstrate exceptional circumstances. However, CDP Policy 38 states that any other development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
177. With regard to CDP Policy 38, Landscape Officers consider that the proposals would not figure prominently in views from the AONB. They would have a localised effect in views of the AONB (upper Langleydale and Langleydale Common) on the approach to Teesdale from the east. However, Officers advise they would not consider the proposals to be harmful to the special qualities or statutory purposes of the AONB.
178. The North Pennines National Landscape (formerly the AONB Partnership) has been consulted upon the application but has not commented.

### *Restoration*

179. The proposed extension site would be progressively reinstated throughout the extraction period with restored ground levels being near to original levels. Through condition details of working and restoration would be required periodically. The restored site would be seeded with neutral grassland meadow mix and wet wildflower meadow seed mix and used for grazing. The restoration and aftercare proposals

accord with the aims of MLP Policies M46 and M47 and the NPPF requiring mineral sites to be restored at the earliest opportunity.

180. The NPPF in Paragraph 217(e) advises that in considering proposals for mineral extraction Mineral Planning Authorities should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. MLP Policy M52 relates to site management and the ability and commitment of the intended operator to operate and reclaim the site in accordance with an agreed scheme. In addition, Policy M52 also requires that adequate safeguards are in place through the provisions of financial bonds, appropriate mutual funds or other means.
181. Given the size and scale of the proposal, it is considered that restoration and aftercare can be secured through condition and a bond or other financial guarantees is not required in this particular case.

#### *Benefits of development in this location*

182. As previously stated, both the NPPF, CDP and the emerging M&WDPD advise that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It is also recognised that minerals can only be worked where they are found, and best use needs to be made of them to secure their long-term conservation. It is of most importance in that it is recognised that minerals can only be worked where they are found which is why the application is in the location proposed. It is acknowledged that the proposed extension is only slightly smaller than the existing quarry in area and full restoration of the existing quarry would be delayed in order to facilitate access to the proposed extension. However, the proposed development would permit an extension to an existing building stone quarry for the extraction of additional sandstone where the principle of mineral extraction has been previously established. The applicant estimates that current reserves within the quarry will be exhausted in 2024 and the need for an extension to continue to meet the demand has been identified by the applicant. The benefits of the development include the continued supply of stone for walling stone and for use in construction with the market for the stone being the north of England and Scotland.
183. The characteristics of the stone add to the variety and choice of stone for projects in the area which in turn can input into assisting to achieve well designed and beautiful places as referred to in the NPPF. The quarry would produce walling stone some of which would be used in landscape conservation / restoration works which would be a benefit of the proposals. Paragraph 217 of the NPPF requires that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy and this is reflected in M&WDPD Policy M3. Paragraph 217 of the NPPF specifically recognises the importance of building stone quarries. Reference is made in the NPPF to the repair heritage assets (Paragraph 217 (f)) as well as recognising the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites (Paragraph 217 (g)). Although no new jobs would be created as a result of the extension, the proposed development would ensure continued employment at the applicant's business. As a result, there would be continued indirect economic benefit to local shops, services and suppliers. Furthermore, the completed restoration of the site would provide biodiversity net gain.

## Summary

184. It is noted that Landscape Officers consider that there would be some localised harm to the character and quality of the landscape, but subject to design considerations secured through condition, the harm would be localised and of a low-medium or medium magnitude. There would be some harm to the special qualities of the AHLV but again this would be temporary in the medium to long term and the proposals would not therefore conserve those special qualities until fully restored. The harm would be for a period of 25 years during extraction until the site was restored and planted. Having had regard to the comments of the Landscape Officer it is agreed that the proposals would not conflict with CDP Policies 10, 26, 31 and 40, MLP Policies M46, M47 and M52 and Part 15 of the NPPF.
185. There would be conflict with CDP Policy 39 in respect of the impact upon the AHLV given the location of the proposed development. In accordance with requirements of CDP Policy 39 the benefits of the development in this location have been considered. Having had regard to the benefits of the location and that the harm to the AHLV would be reduced subject to conditions requiring details of working and restoration being submitted periodically for approval by the Mineral Planning Authority, it is considered that the benefits of the development clearly outweigh the harm.
186. In terms of the impact of the proposed development upon the setting AONB, noting that the site is not within the designated area but within the setting, it is considered that the proposal would not conflict with CDP Policy 38 and Parts 15 and 17 of the NPPF.
187. MLP Policies M46 and M47 are consistent with the NPPF and can carry full weight in the decision-making process. MLP Policy M52 is partially consistent with the NPPF because it states that restoration and aftercare should be secured through the application of appropriate conditions and where necessary that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. The proposed development would also not conflict with M&WDPD draft Policy MW1 and MW20, however given the current stage of the Plan only limited weight can be afforded to these Policies at this time.

## Biodiversity interests

188. Paragraph 186 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 42 seeks to restrict development that cannot demonstrate that there would be no residual adverse effects to the integrity of internationally designated sites. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
189. CDP Policy 25 advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are



necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

190. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
191. There are no ecological designations within or adjacent to the proposed site. As previously stated, the closest site is Pallet Crag Local LWS some 970m to the north. A number of Ancient & Semi-Natural Woodland sites are located over 650m from the application site. Of particular note are the national and internationally designated sites located within the wider vicinity. Shipley and Great Woods SSSI lies some 1.1km to the south west, Baldersdale Woodlands SSSI to the 1.9km to the south west and 1.7km to the north is Crag Gill SSSI. Bollihope, Pikestone, Eggleston and Woodland Fells SSSI, the North Pennine Moors SPA and North Pennine Moors Special SAC are over 1.7km to the north of the site. 3km to the south west are Cotherstone Moor SSSI, the North Pennine Moors SPA and North Pennine Moors SAC.
192. A Preliminary Ecological Assessment was submitted with the application. The purpose of the survey was to map and identify habitats and species that are present within the survey area and to provide baseline data regarding the site and highlight areas for further investigation that may provide a constraint to the proposals. The Assessment presents the results of the habitat survey, an assessment of potential ecological constraints to the proposed development based on the results of the surveys along with recommendations for mitigation and site enhancement where appropriate.
193. The Assessment identifies that there are two sites of international conservation interest within 2km of the site and five sites of national conservation interest (North Pennine Moors SPA North Pennine Moors SAC Crag Gill SSSI Shipley & Great Woods SSSI Balderdale Woodlands SSSI Bollihope, Pikeston, Eggleston and Woodland Fell SSSI North Pennine AONB) and one non-statutory site of local nature conservation interest within the 2km search area (Pallet Crag LWS). The Assessment considers that there are no negative impacts anticipated on these sites as a result of the development and there is no ecologically feasible mechanism by which the small-scale quarrying activities could have a significant impact upon them. No priority habitats were identified. The site was found to have support or has the potential to support ground nesting birds, protected and priority species and a number of recommendations were made.
194. Natural England originally objected to the proposal considering that as submitted, the application could have potential significant effects on North Pennine Moors SPA and

further information was required in order to determine the significance of these impacts and the scope for mitigation. The information being breeding bird surveys to inform a Habitats Regulations Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) to ascertain whether the proposal is likely to have a significant effect on any European site. Ecology Officers also requested breeding bird surveys advising that the site is located within proximity to the North Pennine Moors SPA in an area identified as being of risk of being functionally linked to the SPA.

195. A breeding bird survey was subsequently undertaken, and an updated PEA submitted. The Assessment found that during the 2023 breeding season 18 species of bird were recorded. Of these three species were confirmed or probable breeders within the application site. No protected species or bird species that are listed as qualifying features of the SPA were recorded throughout the course of the surveys. Of the birds listed within the SSSI citations only curlew is potentially breeding within the application site. As the proposed extension would be worked in phases of approximate one acre plots at a time and restoration would be ongoing, any disturbance to the pair would be temporary in nature and no significant negative impact on the SSSI or the population status of curlew is anticipated.
196. Upon the submission of the additional information Natural England advised that it has no objection subject to appropriate mitigation being secured. In its view without appropriate mitigation the application would damage or destroy interest features for which Bollihope, Pikestone, Eggleston and Woodand fells SSSI has been notified. In order to mitigate these adverse effects and make the development acceptable mitigation measures in the form of reasonable avoidance measures as described in submitted Preliminary Ecological Appraisal and Breeding Birds Survey report should be secured through an appropriate planning condition or obligation. Natural England also advises that based on the submitted Breeding Birds Survey and Preliminary Ecological Appraisal, Natural England considers that the proposed development will not have likely significant effects on the North Pennine Moors SPA and has no objection to the proposed development. Having considered the location, type and scale of the development Natural England advise that the proposed mitigation measures are secured as part of any planning approval. Provided that this is carried out it does not anticipate the proposed scheme having adverse effects on the curlew population associated with the Bollihope, Pikestone, Eggleston and Woodland Fells SSSI.
197. The Council's Ecology Officer also advises that the additional information provided addresses previous queries and recommendations.
198. 'Mobile species' - Special Areas of Conservation (SACs) are designated for rare and vulnerable habitats and species, whilst Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA/SAC populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA/SAC species populations, and proposals affecting them may therefore have the potential to affect the European site. It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of (SPA) interest features that may be located outside the site boundary. Our previous advice letter drew attention to the need to consider the potential for offsite impacts in relation to the North Pennine Moors SPA1 and its classified wild birds accordingly.
199. The Biodiversity Net Gain Assessment is supported by a Biodiversity Metric which has been updated during the consideration of the application. The final metric advises that

the development would result in a net gain in biodiversity in the order of 3.69 Biodiversity Units which is equivalent to 67.37% and that trading rules are satisfied. Habitat creation within the restored site would comprise improved pasture (modified grassland) and neutral grassland (species rich grassland).

200. Ecology Officers have considered the submitted Metric and are content with the proposed enhancement of the site to ensure a Net Gain in biodiversity can be achieved, however it remains unclear as to what the future management would be which would ensure that at least a 'moderate' condition sward is achieved, in line with the Defra metric provided. Officers advise that the detail of this would need to be provided and secured by appropriate planning agreement as deemed necessary.
201. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017 (as amended). The purpose of the Appropriate Assessment would be to determine whether the current proposals would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated. This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted by the applicant. As stated above Natural England advises that based on the submitted Breeding Birds Survey and Preliminary Ecological Appraisal, the proposed development would not have likely significant effects on the North Pennine Moors Special Protection Area and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, Natural England advises that the Council record its decision that a likely significant effect can be ruled out and that the submitted reports provide a suitable justification for that decision with respect to recorded wild bird species, their location and frequency (numbers), and location, scale and type of the development.
202. Also, under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must 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. In this respect Natural England has identified that the designated sites of the Teesmouth & Cleveland Coast SPA/Ramsar is in unfavourable status due to excess Nitrogen levels within the River Tees. The application site lies within the catchment area but is not the type of development which would create wastewater, indeed the existing site does not have any welfare facilities and none are proposed as part of the extension proposal. Therefore, the site can be delivered without causing any additional nutrient enriched water into the catchment, and there will be no net increase in surface water runoff as a result of the proposal.
203. The proposed quarry extension would provide biodiversity enhancement to the site and, whilst there may be temporary disturbance during the working period, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the development would not impact adversely upon any internationally, nationally or locally protected sites subject to conditions requiring mitigation in respect of breeding birds. Nor would the proposal impact adversely upon statutorily protected species. Suitable mitigation would be secured through conditions and a Section 39 agreement under the Wildlife and Countryside Act 1981 (as amended). Section 39 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net

gain. The proposed S39 would include a management and monitoring scheme relating to the extension area in order to achieve the Biodiversity Net Gain.

204. It is therefore considered that the proposals would not conflict with CDP Policies 10, 25, 41, 42 and 43 and Parts 15 and 17 of the NPPF in respect of avoiding and mitigating harm to biodiversity. It is also considered that the proposal would not conflict with M&WDPD draft Policy MW1 however given the current stage of the Plan only limited weight can be afforded to this Policy at this time. In addition, it is not considered that there would be a conflict with The Conservation of Habitats and Species Regulations 2017 (as amended).

#### Access and Traffic

205. Paragraph 114 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. MLP Policy M42 states that mineral development will only be permitted where the traffic generated can be accommodated safely and conveniently on the highway network and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable. MLP Policy M43 requires that planning conditions should be imposed, and planning obligations or other legal agreements sought, to cover a range of matters such as routing of traffic to and from the site, highway improvements or maintenance, prevention of the transfer of mud and dirt onto the public highway and operating hours of lorry traffic to and from the site. MLP Policies M42 and M43 are considered to be consistent with the NPPF and can be afforded weight in the determination of the application.
206. Access to the proposed extension would be via the established access from the B6278 and through the existing quarry and no changes are proposed to it. The extracted material would be removed from the site using 18 tonnes (2 axle) wagons, with a payload of 8 tonnes and 32 tonne (4 axle) wagons with a payload of 20 tonnes. This would result in a maximum of 150 loaded vehicles leaving the site per year resulting in a maximum of 6 per week (3 in and 3 out). The existing planning permissions do not have restrictions on vehicle movements.
207. The submitted Planning Statement considers the impact on highways. This considers that the proposed extension to the site would not result in a change to the location of the vehicular access or to the number of vehicles entering and leaving the site. The use of this access by the number of vehicles have not resulted in any adverse impact on the local highway network or highway safety and conclude that the continued use of the access by this level of vehicles is acceptable and in accordance with relevant development plan policies.
208. No objection is raised by the Council as Highways Authority. Highways Officers have considered the proposal to be acceptable subject to conditions that are on one of the existing permissions for the site relating to the location of the access provision of wheel washing/mud removal and for the requirement for open vehicles to be sheeted. Conditions can restrict the total number of heavy goods vehicles entering and leaving the site and a condition whereby the number would not exceed 30 (15 in and 15 out) per week Monday to Saturday would be reasonable and allow for fluctuations in demand.

209. It is considered that the traffic generated by the proposals can be accommodated safely and conveniently on the highway network. It is noted that existing and proposed traffic numbers are low. Mitigation measures to control the number of vehicle movements through condition can be secured along with conditions to ensure the existing access is used and no mud and debris are trafficked onto the public highway and for open vehicles to be sheeted. The Highways Authority has raised no objections to the proposal subject to conditions. It is therefore considered that the proposed development would not conflict with CDP Policies 10 and 21, County Durham Minerals Local Plan Policies M42 and M43 and Parts 9 and 17 of the NPPF.
210. MLP Policy M42 is consistent with the NPPF and is not time limited. Policy M42 can carry full weight in the decision-making process. MLP Policy M43 is only partially consistent with the NPPF and is not time limited. Whilst the Policy is consistent with the general principles of NPPF and PPG, the matter of planning obligations needs to align with the related legislation. The terminology used in the policy 'insofar as they fairly and reasonably relate to the proposed development' does not fully reflect Section 122 of the CIL Regulations. MLP Policy M43 is therefore afforded limited weight in the decision-making process. It is also considered that the proposal would not conflict with M&WDPD draft Policies MW1 and MW7, however given the current stage of the Plan only limited weight can be afforded to these Policies at this time.

#### Recreational Amenity

211. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
212. There are no public rights of way within or adjacent to the proposed site. As previously stated, the closest is Footpath No. 8 (Marwood Parish) approximately 165m to the east of the application site. As no public rights of way are affected by the proposal and Access and Rights of Way officers have raised no objections.
213. The proposed development would not have a direct impact upon designated rights of way. There would be vehicles associated with the quarry on the Road B6276 for a further 25 years should planning permission be granted but this would be a continuation of the current position and users of the footpath network in area would continue to be aware of their surroundings as at present. Notwithstanding this, the number of HGVs would be controlled through condition. As previously stated, Highways officers have no objection to the proposed development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 26 and Part 8 of the NPPF. It is also considered that the proposal would not conflict with M&WDPD draft Policies MW1 and MW7 however given the current stage of the Plan only limited weight can be afforded to these Policies at this time.

#### Contamination and Land Stability

214. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by

contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

215. The proposed site does not fall within the defined Coalfield Development Low or High Risk Areas. The Environmental, Health and Consumer Protection (Contaminated Land) Officers have raised no objections to the proposals and advise that there is no requirement for a contaminated land condition. An informative is recommended relating to unforeseen contamination. The Environment Agency has provided advice regarding the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP) and the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste.
216. It is considered that the proposed development would be suitable for the proposed use and subject to conditions, would not likely result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 32 and Parts 15 and 17 of the NPPF. It is also considered that the proposal would not conflict with M&WDPD draft Policy MW1 however given the current stage of the Plan only limited weight can be afforded to this Policy at this time.

#### Flooding and Drainage

217. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
218. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
219. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water. CDP Policy 36 Sets out a hierarchy of drainage options for the disposal of foul water which must be considered including connection to a public sewer, package sewage treatment plant and septic tanks. CDP Policy 10 states that

new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.

220. The site is within Flood Zone 1 and within a Groundwater Vulnerability Area, Secondary A Aquifer as defined by the Environment Agency. The site is of low risk and does not contain any SFRA identified overland flow routes or area of low, medium or high surface water flood risk. Howe Gill is located approximately 290m to the north.
221. The depth of working would be no deeper than 293m AOD (7m), a similar depth to that which the quarry has already been worked. A borehole was sunk to the eastern side of the site to identify the potential quality of the sandstone and the depth of the groundwater. The borehole also showed that there is ground water at around 295m AOD considered likely to be a 'perched water table'. Previous operations at the existing quarry has resulted in water accumulating in the quarry void and the level of water in the pond has varied with the seasons. The water has not been pumped out and good practice measures have been taken to manage its presence on site including ensuring machines do not enter the water. The proposed extension operations would be operated in exactly the same manner as the main site.
222. No welfare facilities or septic tanks are located on the existing site, and none are proposed with the current application. CDP Policy 36 is therefore not relevant in this case.
223. The application is accompanied by a Quarry Development and Site Hydrogeology Report, a Hydrology and Hydrogeology Report associated with one of the existing planning permissions for the site and a Risk Assessment for the Proposed Restoration Scheme. The Quarry Development and Site Hydrogeology Report includes the results of ground water monitoring from a borehole installed in the site in January 2022. This identified that the ground water level is at approximately 295m AOD and may vary depending on seasonal fluctuations. The Report concludes that the proposed extension area to the existing quarry would provide sandstone resources for an additional 30 years. The eastern extension and proposed working and phasing scheme for the quarry is not anticipated to impact on groundwater within or across the surrounding area of the site as there would be no de-watering and the sandstone will be extracted as a "wet dig" (as previously worked) during periods when the water table rises above the working elevations for sandstone extraction. The risk posed to the existing surface water features surrounding the site is predicted to be low due to the topography of the landscape and the nature of the operations. It is noted that the conclusions drawn by the previous report remain relevant and applicable to the proposed eastern extension with the updated groundwater monitoring results included within the Quarry Development and Site Hydrogeology Report. The proposed conceptual restoration for the site is to reinstate ground levels to near original level and seed it with ecologically favourable grass mixes after the quarry operations and sandstone extraction cease, with the development of a small low lying pond area in the eastern part of the site.
224. The Environment Agency originally objected to the application because the risks to groundwater from the development were considered to be unacceptable and advised that adequate information had not been submitted to demonstrate that the risks posed to groundwater from the final restoration proposals could be satisfactorily managed. Groundwater is sensitive in this location because the proposed development site is located upon a Secondary A aquifer which is utilised for private water supplies and as a source for groundwater dependent features e.g. surface waters, springs, wetlands. Additional information was submitted to address the concerns raised in the form of a Risk Assessment for the proposed restoration scheme. This concludes that as the

pond is likely to be a seasonal feature during times of pronounced rainfall it has been removed from the restoration scheme. As the restoration fill is simply site derived sandstone, there would be no potential for the contamination to the site groundwater supply both due to the nature of the material and the fact that the surface collection point is at 301m AOD which is 6m higher than the average groundwater level across the proposed extension area. Following consideration of the additional information the Environment Agency has removed its objection.

225. Drainage and Coastal Protection Officers do not object and have no concerns regarding flood risk.
226. Protection of the water environment is a material planning consideration and development proposals, should ensure that new development does not harm the water environment. In this case the proposal poses a potential threat to water quality however, the Environment Agency has no objections to the proposal subject to condition. Drainage and Coastal Protection officers do not object to the proposals. It is not considered that the proposed development would lead to increased flood risk, both on and off site. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and MLP Policy M38 and Parts 14 and 17 of the NPPF. MLP Policy M38 is not time limited, is considered to be consistent with the NPPF and can carry full weight in the decision-making process. It is also considered that the proposal would not conflict with M&WDPD draft Policy MW1 however given the current stage of the Plan only limited weight can be afforded to this Policy at this time.

#### Cultural Heritage

227. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this must be given considerable importance and weight by the decision-maker.
228. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. CDP Policy 46 permits development which impacts upon the historic route of the Stockton and Darlington Railway (S&DR) of 1825, the Black Boy and Haggerleases branch lines and the Surtees Railway, together with their associated structures, archaeological and physical remains and setting, in certain circumstances.
229. There are no designated heritage assets within the application area, the closest is the Grade II Roger Moor Farmhouse and Dairy Adjoining approximately 290m the north west. As stated above there several Grade II Listed Marker Stones within 1.11km of the proposed site and further Grade II listed buildings, Byres and Loft South-East of High Shipley and High Shipley.
230. The application considers the impact on heritage assets. It states that the existing site, and the proposed extension does not have a direct or indirect impact on



designated heritage assets; in addition, it is not within the setting of any designated heritage assets.

231. Design and Conservation Officers consider that this is incorrect with regards to setting, as within 2kms of the site where potential setting impacts could occur are several designated heritage assets in the form of listed buildings and scheduled monuments. These are Roger Moor Farmhouse and Dairy (GRII), 3no individually listed Township Road Marker Stone's (all GRII), High Shipley (GRII) Byer and Loft south east of High Shipley (GRII), Woden Croft (GRII), Summerhouse 180mts south east of Woden Croft (GRII), Low Shipley Farmhouse (GRII), High House Farmhouse (GRII), the boundary stone at junction with B6278 (GRII), a milestone c.470mts east of Folly Head (GRII), a milestone c.400mts east of White House, and the Scheduled Monument of Cup marked rock at Bracken Heads. Notwithstanding the fact that the information submitted does not include an accurate cultural heritage impact assessment with regards to the setting of the above heritage asset the following comments and recommendation would be made.
232. The existing quarry site features in a broad open landscape of agricultural and pastureland delineated by drystone walls with an undulated topography, areas of woodland, and smaller pockets of trees. The area has been impacted by quarry workings as far back as the mid 19<sup>th</sup> Century and therefore historically forms part of this landscape. The 1st edition Ordnance Survey map c.1856-65 shows a small slate quarry on the same site as the existing that is labelled as being disused in c.1970-79.
233. The impact of the proposed eastern quarry extension would be transformative in terms of the existing landform, rural character, and visual appearance of the subject site due to the change from an agricultural field to operational quarrying. The impact of this change with regards to the setting of most of the heritage assets identified would be generally unharmed. This would be due to an absence of intervisibility between the subject site and the heritage assets on account of the distance between them and intervening topography, landscape features, and in some instances urban infrastructure and existing built development. As such the proposal does not appear to have the capacity to impact upon views in which the heritage values of the heritage assets are experienced, appreciated and understood. With specific regards to the listed milestones, boundary stones and marker stones, the setting of heritage assets of this nature relates directly to the local context of the historic routes they correlate too, and close quarter interrelations that would be unaffected.
234. The greatest impact would be to the setting of the 19th Century Roger Moor Farm group, with the main farmhouse and dairy grade II listed. The farm group is located c.275m's north from the existing quarry and there is intervisibility between the historic farm group and subject site from the B6278. The farm buildings stand out due to being whitewashed in the broad hilly rural landscape with trees and woodland adjacent and in the background, in such views the subject land plays a positive role as one of a series of agricultural fields in the foreground of the view bounding the roadside.
235. These fields contribute to significance (setting) of the farm group in being integral to its rural surroundings of scenic visual quality allowing it to be seen as an isolated traditional farmstead built in the rural landscape. The development proposal will physically and visually alter, in an adverse manner, part of the landscape surroundings in which the heritage asset is visually experienced thereby eroding its setting. This harm correlates to the effects identified in the submitted LVIA the conclusion stating the effects on landscape character in views from the road would be slight to moderate adverse.

236. Design and Conservation Officers consider that the proposal would fail to meet the requirements of NPPF Section 16 and CDP Policy 44 that expect development proposals to sustain, conserve and where possible enhance the significance of designated heritage assets including the contribution made by setting. Officers advise that the level of harm would be regarded as “less than substantial” for the purposes of Part 16 of the NPPF and it would then be to determine if there are public benefits demonstrated that would outweigh said harm in the overall planning balance.

#### *Assessment of Public Benefits*

237. The application does not identify harm, but Design and Conservation Officers consider that the level of harm from the proposed development would be less than substantial. Paragraph 208 of the NPPF states 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.

238. The benefits of the proposed development are considered in paragraphs 182 and 183 above. The benefits listed can also be regarded as the public benefits of the proposal. It is therefore not proposed to repeat them. However, in summary the benefits relate to the continued operation of a sandstone quarry for walling and building stone to supply an identified need. The NPPF and development plan policies recognise that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs and that minerals can only be worked where they are found. The NPPF and development plan policies also specifically recognise the importance of building stone quarries including in the repair of heritage assets. Although the stone has not been used in the repair of listed buildings, it is used for the construction of new properties/extensions in Conservation Areas and for paving etc in Conservation Areas. In addition, the extension would enable the continued production of walling stone some of which would be used in landscape conservation/restoration works which would be a benefit. The characteristics of the sandstone add to the variety and choice of stone for projects in the area which in turn can input into assisting to achieve well designed and beautiful places as referred to in the NPPF to the public benefit. The quarry would produce walling stone some of which would be used in landscape conservation / restoration works which would be a benefit of the proposals. Continued employment as a result of the proposed development is a further public benefit along with continued indirect economic benefit to local services and suppliers. It is considered that having considered the public benefits of the proposal; they outweigh the less than substantial harm identified.

239. An Archaeological Evaluation accompanies the application and reports on intrusive investigative works into the extension area to identify if there are any buried heritage assets, archaeological in nature, that require preservation in situ. The intrusive investigation work revealed an east to west field boundary that was made up of ditches and a potential trackway. The evidence within the archaeological field work has served to inform the way historic field systems were delineated in the area. The application states that the archaeological finds are not considered to be worthy of preservation in situ and the level of work that has been undertaken on the site is considered to have been commensurate with the proposed development.

240. Archaeology officers have considered the proposals and advise that the results of the archaeological evaluation revealed only limited significance archaeological remains and there is therefore no archaeological objection.

241. The proposed development would have less than substantial harm to the significance of the Roger Moor Farm group. As a result, the test in Paragraph 208 of the NPPF has been considered and concluded that there are public benefits that would arise and are considered to be sufficient to outweigh the identified less than substantial heritage harm. No concerns are raised regarding archaeology. It is, therefore, considered that the proposal would not conflict with CDP Policies 10 and 44 and Paragraph 208 of the NPPF. It is also considered that the proposal would not conflict with M&WDPD draft Policy MW1 however given the current stage of the Plan only limited weight can be afforded to this Policy at this time.

#### Agricultural Land

242. Paragraph 180 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. It goes on to state that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
243. The proposed development would occupy approximately 1.36ha of agricultural land. An Agricultural Land Classification (ALC) Assessment has not been carried out but Natural England's Agricultural Land Classification map North East Region identifies the land to be Grade 4. The site is therefore not comprised of best and most versatile land.
244. Natural England has provided general advice relating to best and most versatile agricultural land and soils, advising that Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies and recommending that good practice is followed. Should the development proceed, Natural England advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.
245. Although the development would temporarily remove some land from agricultural use, it is currently being used for sheep grazing and would be available following restoration. Given the nature of the development there would be an impact upon soil resources and any stripping, storage and replacement of soils would take place in accordance with best practice and be used in the restoration of the site. The proposal would not conflict with CDP Policies 10 and 14 or Parts 15 and 17 of the NPPF in this respect.

#### Cumulative Impact

246. When considering cumulative impact regard should be had to past, current and future (planning permissions granted, or planning applications being considered) mineral and non-mineral activities in an area which have added collectively to adverse environmental impacts.
247. Paragraph 191 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 217 of the NPPF advises that in

considering proposals for mineral extraction, minerals planning authorities should take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. The PPG also states that some parts of a mineral planning authority area may have been subjected to successive mineral development (such as aggregate extraction or surface coal mining) over a number of years.

248. CDP Policies 10 and 31 requires consideration of cumulative impact as does Policy M45 of the MLP also addresses cumulative impact. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. MLP Policy M45 requires that when considering proposals for mineral development the cumulative impact of past, present and future workings must be considered and states that planning permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of the Plan. MLP Policy M45 is not time limited and is consistent with the NPPF which requires consideration of the multiple impacts from individual sites and/or from a number of sites in a locality. MLP Policy M45 can carry full weight in the decision-making process.
249. There is one other active mineral site in the immediate area. This being Shipley Banks Quarry located approximately 860m to the south Windy Bank Quarry and the proposed extension. It also has its access off the B6279. Shipley Banks Quarry is a small scale sandstone quarry and is subject to planning conditions controlling the development. The two quarries have been working concurrently for many years and it is not considered that permitting an extension to Windy Hill Quarry would create an adverse cumulative impact. There are no other developments existing or approved within the vicinity of the proposed development which would require cumulative impacts to be considered.
250. Cumulative impacts from proposed or committed developments in the vicinity of the proposed development have been considered. The combined effects of working any development may in itself also have some cumulative impacts on environmental and living conditions and the perceptions of the those within the vicinity of the area. In this case the proposed development is sparsely populated. Nevertheless, the impacts of the development have been assessed in this report and where appropriate conditions would be imposed to reduce the impacts where identified. It is considered that the proposal would not result in an adverse cumulative impact exceeding that of a single, acceptable site in accordance with CDP Policies 10 and 31, MLP Policy M45 and Parts 15 and 17 of the NPPF. It is also considered that the proposal would not conflict with M&WDPD draft Policy MW1 however given the current stage of the Plan only limited weight can be afforded to this Policy at this time.

#### Other Matters

251. The application site is included in the Minerals and Waste Site Safeguarding Zone which surrounds the quarry and is a mineral safeguarded site as defined in the CDP. CDP Policy 48 seeks to safeguard and protect existing and allocated minerals sites, minerals processing facilities and minerals related transportation infrastructure and important waste management sites from all non-mineral and non-waste related development. Given the nature of the proposed development, it is not considered that the Policy is applicable in this case.

252. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
253. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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254. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
255. The proposed developments are for a 1.36ha extension to the established and operational Windy Hill Quarry for the extraction of sandstone over a 25 year period.
256. The development has been carefully assessed in terms of its location, operation and appearance. Consideration has also been given to the impact of the proposals upon the principle of the development, residential amenity, landscape and visual impact and the AONB, biodiversity interests, access and traffic, recreational amenity, cultural heritage, contamination and land stability, flooding and drainage, cultural heritage, agricultural land, cumulative impact and other matters and, subject to appropriate conditions where appropriate, the impacts are considered to be acceptable.
257. It is recognised that there would be localised harm of a short term duration to intrinsic character and beauty of the countryside, to the to the character, quality and distinctiveness of the landscape and to the special qualities of the AHLV. However, with appropriate mitigation through the submission of details of conditions requiring details of working and restoration being submitted periodically for approval by the Mineral Planning Authority required through condition, it is considered that this would not be unacceptable and there are benefits which outweigh the harm. Although the site is not within the AONB consideration has been given to the impact of setting of the AONB and again this is not considered to be unacceptable.
258. The site is not subject to nature conservation designations, but the impact and it is considered that there would not be an adverse impact on national and international ecological designations close by subject to appropriate conditions, a view endorsed by the ecological consultees. Nor is it considered that there would be an adverse impact upon flora or fauna, including protected species.
259. With regard to cultural heritage, officers consider there would be less than substantial harm to designated heritage assets. Notwithstanding this there are public benefits that would arise as a result of the proposed development, and these are considered to be sufficient to outweigh the less than substantial heritage harm that may result from the development being approved.
260. The proposed development has generated some public interest, with 1 letter of objection from CPRE having been received. Representations received have been

weighed along with other responses including those of statutory consultees that have raised no overriding objections to the scheme subject to conditions were appropriate.

261. The proposed development proposal is considered to broadly accord with the relevant policies of the County Durham Plan, County Durham Minerals Local Plan, emerging M&WDPD policies and relevant sections of the NPPF.

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## **RECOMMENDATION**

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262. That the application be **APPROVED** subject to the following conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management to achieve the agreed Biodiversity Net Gain.

## **COMMENCEMENT OF DEVELOPMENT**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development.

*Reason: To ensure the development is carried out in accordance with the approved documents.*

## **APPROVED DOCUMENTS**

3. The development hereby approved shall be carried out in accordance with the following approved plans and documents and any detailed matters subsequently approved under Condition 5.

- Drawing No. WH22-2 – Site Location – received 17/01/2023
- Drawing No. WH22-3 – Site Plan & Planning Application Area – received 17/01/2023
- Drawing No. WH22-4 – Proposed Phasing Plan – received 17/01/2023
- Drawing No. WH22-5 – Conceptual Phase 1 & 2 – received 17/01/2023
- Drawing No. WH22-6 – Conceptual Phase 3 & 4 – received 17/01/2023
- Drawing No. WH22-7 – Proposed Restoration Scheme – received 24/11/2023
- Preliminary Ecological Appraisal prepared by AES-LTD dated 09/04/2023
- Breeding Bird Survey prepared by AES-LTD dated 21/08/2023
- Biodiversity Metric dated 24/11/2023
- Biodiversity Net Gain Assessment prepared by Applied Ecological Service Ltd. V\_2 March 2021
- Details of Seed Mixes for the Southern Perimeter Bund – Received 27/09/2023

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with County Durham Plan Policies 10, 14, 21, 25, 26, 31, 32, 35, 39, 40, 41, 42, 43, 44, 47, 48 and 54, County Durham Minerals Local Plan Policies M38, M42, M43, M45, M46, M47, M50, M51 and M52, County Durham Minerals and Waste Policies and Allocations Document Policies MW1, M3, MW4, MW5, M6, MW7, M10 and MW20 and Parts 2, 4, 6, 8, 9, 14, 15, 16 and 17 of the National Planning Policy Framework.*

4. From the commencement of development to the completion of restoration a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission and legal agreements, shall always be made available to all persons with responsibility for the site's working, restoration, aftercare and management.

*Reason: To ensure the development is carried out in accordance with the approved documents.*

#### **MATTERS REQUIRING SUBSEQUENT APPROVAL**

5. The development hereby approved shall only be carried out in accordance with a scheme or schemes to be agreed, in writing, with the Mineral Planning Authority, which shall, amongst other matters, include provision for the matters listed below and be submitted within 6 months of the date of issue of this planning permission and every 5 years thereafter:

- a) A detailed scheme of working, which shall include timing of when areas are to be progressively restored and shall include, where appropriate, the following and shall be shown on an appropriately scaled plan (for example 1:1250):
  - i) a plan indicating areas stripped of soil, the location of each heap, and the quantity of material in it.
  - ii) details of intended soil stripping and storage, including location of existing and intended stockpiles of soil, soil making materials, overburden and mineral (processed and unprocessed) on site and their heights within the phase and working quarry area;
  - iii) details of the proposed bund to be constructed along the B6278 including height, timescales for construction and seed mix to be sown following completion;
  - iv) a detailed working method for the phase, including extraction limits;
    - a) proposed depth of working;
    - b) phasing of operations;
    - c) details of design of internal access and haul roads, and if applicable surfacing of them, and provision and surfacing of hard-standings;
    - d) the erection of any fences as appropriate to their intended use;
    - e) details of any planting and landscaping.
    - f) details of screening measures to be undertaken.
  - v) the final contours for the area that has been restored site (at 2 metre intervals), indicating how such contours tie in with the contours on adjacent land and future phases of restoration.

*Reason: To ensure the site is satisfactorily worked and restored and in the interests of visual impact in accordance with County Durham Plan Policies 10 and 39, County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

- b) Details of the restoration and habitat management of the site in accordance with Drawing No. WH22-7 – Proposed Restoration Scheme – received 24/11/2023 which shall include:
  - i) the final contours for the site (at 2 metre intervals), indicating how such contours tie in with the existing contours on adjacent land;
  - ii) the replacement of soils including depths and handling and replacement methods;

- iii) the drainage of the restored site, including underdrainage if considered necessary by the Mineral Planning Authority;
- iv) the erection of fences;
- v) Planting details, including any trees, hedges, seeding and grassland establishment;
  - (a) the species to be planted, and the percentage of the total to be accounted for by each species;
  - (b) the size of each plant and the spacing between them;
  - (c) the preparations to be made to the ground before planting;
  - (d) the fencing off of planted areas;
  - (e) a subsequent maintenance and management programme during the aftercare period once the hedgerow, tree, and shrub planting has been carried out, which shall include the weeding of the planted area, repairing of any damaged fencing, and the replacement of any plants which die or are seriously affected by disease and a detailed schedule as to when the aftercare period commences for each area.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

- c) The aftercare of the restored land for five years after the final replacement of soils or soil making material in accordance with Condition 48.

*Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.*

## **COMPLETION**

- 6. All mineral extraction shall cease no later than 25 years from the date of commencement as notified to the Mineral Planning Authority under Condition 2.

*Reason: To avoid unnecessary delay in the restoration of the site in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

- 7. The site shall be restored in accordance with the approved scheme referred to in Condition 5 within 12 months of mineral extraction ceasing.

*Reason: To ensure the site is satisfactorily restored and to avoid unnecessary delay in the restoration of the site in accordance with County Durham Minerals Local Plan Policy M46, Policy MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Part 17 of the National Planning Policy Framework.*

- 8. In the event of extraction ceasing or significantly reducing for a period of 3 months from that specified in the approved detailed phasing programme, the MPA shall be notified in writing within one month of the date of such cessation or reduction. Within 1 month of that date, a revised scheme for the restoration of the site or modification of the detailed phasing programme for the site, including timescales for completion, shall be submitted to the Mineral Planning Authority for its written approval. The revised scheme shall be implemented as approved.



*Reason: To ensure the site is satisfactorily restored and to avoid unnecessary delay in the restoration of the site in accordance with County Durham Minerals Local Plan Policy M46, Policy MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Part 17 of the National Planning Policy Framework.*

9. If mineral extraction is to be suspended for a period of 12 months or more, then the operator shall within 3 months give written notification to the Minerals Planning Authority together with proposals for an interim restoration of the quarry to the satisfaction of the Minerals Planning Authority. Written notification shall also be given to the Minerals Planning Authority prior to the resumption of mineral extraction following a temporary suspension.

*Reason: To ensure the site is satisfactorily restored and to avoid unnecessary delay in the restoration of the site in accordance with County Durham Minerals Local Plan Policy M46, Policy MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Part 17 of the National Planning Policy Framework.*

10. In the event that mineral working is discontinued (i.e. winning and working or depositing ceases for 2 years) prior to the full implementation of the development, a full reclamation scheme to include details of the reinstatement, aftercare and timescale for quarry restoration works shall be submitted to the Minerals Planning Authority within 27 months of the date working is discontinued. Such a revised restoration scheme shall be fully implemented within 6 months of its approval.

*Reason: To ensure the site is satisfactorily restored and to avoid unnecessary delay in the restoration of the site in accordance with County Durham Minerals Local Plan Policy M46, Policy MW7 of the County Durham Minerals and Waste Policies and Allocations Document and Part 17 of the National Planning Policy Framework.*

## **WORKING PERIOD**

11. All operations shall be restricted to the following times:

0700 hours and 1900 hours Monday to Friday; and  
0700 hours and 1300 hours Saturday

No operations including the maintenance of vehicles, plant or working shall take place outside of these hours at any time or on Sundays, Bank, or other public holidays, save in cases when life, property or limb are in danger. The Minerals Planning Authority shall be notified as soon as is practicable after the occurrence of any such operation or working.

*Reason: In the interests of highway safety and residential amenity in accordance with Policies 10, 21 and 31 of the County Durham Plan, County Durham Minerals Local Plan Policies M42 and M43. the County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW7 of and Parts 9, 15 and 17 of the National Planning Policy Framework.*

## **ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY**

12. Vehicular access to and from the site shall only be via the site access as shown on Drawing No. WH22-3 – Site Plan & Planning Application Area.

*Reason: In the interests of highway safety and residential amenity in accordance with Policies 10, 21 and 31 of the County Durham Plan, County Durham Minerals Local Plan Policies M42 and M43. the County Durham Minerals and Waste Policies and*

*Allocations Document Policies MW1 and MW7 of and Parts 9, 15 and 17 of the National Planning Policy Framework.*

13. Measures shall be taken to ensure all vehicles leaving the site are thoroughly cleansed of mud or dirt before entering the public highway. At such times the the measures are not sufficient to prevent the transfer of mud and dirt onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective, or weather and/or ground conditions improve with the effect of stopping the transfer, to the satisfaction of the Mineral Planning Authority.

*Reason: In the interests of highway safety and residential amenity in accordance with Policies 10, 21 and 31 of the County Durham Plan, County Durham Minerals Local Plan Policies M42 and M43. the County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW7 of and Parts 9, 15 and 17 of the National Planning Policy Framework.*

14. The loads of all open goods vehicles leaving and entering the site shall be fully covered by sheeting.

*Reason: In the interests of highway safety and residential amenity in accordance with Policies 10, 21 and 31 of the County Durham Plan, County Durham Minerals Local Plan Policies M42 and M43. the County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW7 of and Parts 9, 15 and 17 of the National Planning Policy Framework.*

15. The total number of heavy goods vehicles entering and leaving the site shall not exceed 30 (15 in and 15 out) per week Monday to Saturday. A record of all heavy goods vehicles leaving the site shall be maintained by the operator and a certified copy of this record shall be afforded to the Mineral Planning Authority within 2 working days of such a request.

*Reason: In the interests of highway safety and residential amenity in accordance with Policies 10, 21 and 31 of the County Durham Plan, County Durham Minerals Local Plan Policies M42 and M43. the County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW7 of and Parts 9, 15 and 17 of the National Planning Policy Framework.*

## **SITE WORKING**

16. No external lighting shall be erected or installed at the site.

*Reason: In the interests of visual amenity, residential amenity and biodiversity in accordance with County Durham Plan Policies 10, 39, 41 and Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Parts 15 and 17 of the National Planning Policy Framework.*

17. A strip of land at least 12 metres wide shall be maintained at existing ground levels (except where the storage of topsoil and subsoil stripped from the surface of the site is approved with Condition 3) adjacent to any highway.

*Reason: In the interests of visual amenity, residential amenity and biodiversity in accordance with County Durham Plan Policies 10, 39, 41 and County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Parts 15 and 17 of the National Planning Policy Framework.*

18. Soils shall only be stockpiled in areas to be agreed in writing with the Mineral Planning Authority prior to their creation and to a height no greater than 2m.

*Reason: In the interests of visual impact in accordance with County Durham Plan Policies 10, 39, 41 and County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Parts 15 and 17 of the National Planning Policy Framework.*

19. No soil or soil making materials shall be removed from the site or imported to the site.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

20. No refuse or waste material from any external source shall be deposited on the site.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

21. No materials shall be imported onto the site for infilling or to aid restoration.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

## **ECOLOGY**

22. The development shall be implemented in line with the reasonable avoidance measures as described submitted documents entitled Preliminary Ecological Appraisal prepared by AES-LTD dated 09/04/2023 and Breeding Bird Survey prepared by AES-LTD dated 21/08/2023.

*Reason: In the interests of nature conservation and to conserve protected species and their habitat in accordance with Policies 41 and 43 of the County Durham Plan, Policy MW1 of the County Durham Minerals and Waste Policies and Allocations Document and Part 15 of the National Planning Policy Framework.*

## **SITE MAINTENANCE**

23. From the date of these Conditions until completion of final restoration of the site, the following shall be carried out:

(a) the maintenance of fences in a secure, and where appropriate, stockproof condition between any areas used for development and any adjoining agricultural land;

(b) all areas, including stacks of soil and overburden, to be kept free of weeds, and necessary steps taken to destroy weeds at an early stage of growth to prevent intrusive seeding.

*Reason: To ensure the site is satisfactorily restored and in the interests of visual amenity in accordance with County Durham Plan Policies 31 and 39, County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Part 17 of the National Planning Policy Framework.*

## SOIL STRIPPING

24. The Minerals Planning Authority shall be given at least 2 working days notice, in writing, of any intended phase of soil stripping.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

25. All soils shall be stripped from any areas to be excavated, or used for the stationing of plant, the storage of subsoil and overburden, haul roads, and other areas to be traversed by heavy machinery, and stored until required for restoration.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

26. After each phase of soil stripping, the Minerals Planning Authority shall be supplied with a plan indicating the area of stripped soils and the location of each heap.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

27. The stripping and movement of soil shall only be carried out under sufficiently dry and friable conditions, to avoid soil smearing and compaction, and to ensure that all available soil resources are recovered. Appropriate methods of soil stripping shall be separately agreed with the Mineral Planning Authority for any permanently wet or waterlogged parts of the site.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

28. No soil shall be removed for the site.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

29. All formed spoil heaps shall be grass seeded and kept free of weeds.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

## **BUILDINGS, PLANT AND MACHINERY**

30. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, plant or machinery, other than approved by this permission, shall be erected or placed on the site without the prior agreement of the Minerals Planning Authority.

*Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Parts 15 and 17 of the National Planning Policy Framework.*

31. Plant and machinery on the site shall not be used to process, treat, or otherwise refine materials other than those extracted from the site.

*Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Parts 15 and 17 of the National Planning Policy Framework.*

## **ENVIRONMENTAL PROTECTION**

### **NOISE**

32. Except when soil stripping or soil replacement operations are taking place, the noise emitted from operations on the site shall not result in ambient noise greater than 55dB(A) Leq(1 hour) (free field) daytime 0700 - 1900 hours as measured at the nearest noise sensitive property. The nearest noise sensitive properties shall be agreed in writing by the Minerals Planning Authority within one month of the date of this permission.

*Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW4 and Parts 15 and 17 of the National Planning Policy Framework.*

33. Noise emitted as a result of soil stripping or soil replacement operations shall not exceed 70dB(A) Leq(1 hour) (free field) daytime 0700- 1900 hours, as measured at the nearest noise sensitive property.

*Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW4 and Parts 15 and 17 of the National Planning Policy Framework.*

34. Monitoring of noise levels, as requested by the Minerals Planning Authority, in the event of a complaint being made to the Minerals Planning Authority, shall be carried out by the operator during the daytime (0700- 1900 hours), when site equipment is operating normally. The exact location(s) of noise monitoring points shall be agreed in writing by the Minerals Planning Authority in the event of monitoring being required.

*Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW4 and Parts 15 and 17 of the National Planning Policy Framework.*

35. Plant, machinery and vehicles on the site shall be effectively silenced at all times in accordance with the manufacturers' recommendations.

*Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW4 and Parts 15 and 17 of the National Planning Policy Framework.*

## **BLASTING**

36. No blasting shall take place at the site.

*Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW4 and Parts 15 and 17 of the National Planning Policy Framework.*

## **DUST**

37. All reasonable measures shall be taken to control dust emissions arising from site operations. At such times when the measures employed are not sufficient to suppress fugitive dust emissions to the satisfaction of the Minerals Planning Authority, operations shall cease until additional measures are provided and found to be adequate.

Dust suppression measures employed may include:

- i) the provision of mobile water bowsers;
- ii) the use of dust filters on all plant and machinery;
- iii) speed limit of 15 mph on all internal haul roads, with plant provided with upturned exhausts;
- iv) all haul roads and areas used for the storage of soils and overburden or waste materials shall be watered during dry, windy weather conditions;

*Reason: To safeguard the amenities of nearby residents in accordance with the County Durham Plan Policy 31, County Durham Minerals and Waste Policies and Allocations Document Policies MW1 and MW4 and Parts 15 and 17 of the National Planning Policy Framework.*

## **SURFACE WATER DRAINAGE AND POLLUTION CONTROL**

38. Throughout the period of operations and restoration, all necessary measures shall be taken to the satisfaction of the Minerals Planning Authority to ensure that the flow of surface water runoff onto and off the site is not impeded nor the quality of water affected to the detriment of the adjoining land or watercourse.

*Reason: To prevent adversely affecting watercourses passing through or outside the site in accordance with County Durham Plan Policies 32 and 35, County Durham Minerals Local Plan Policy M38, County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Parts 14 and 15 of the National Planning Policy Framework.*

39. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The discharge of such material to any settlement pond, ditch, stream, watercourse, or other culvert is not permitted. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land

or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. Any bund contents shall be bailed or pumped out under manual control and disposed of safely.

*Reason: To prevent the pollution of the water environment and to protect land outside the site and to prevent adversely affecting watercourses passing through or outside the site in accordance with County Durham Plan Policies 32 and 35, County Durham Minerals Local Plan Policy M38, County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Parts 14, 15 and 17 of the National Planning Policy Framework.*

40. There shall be no active de-watering of the site (abstraction) and no interruptions to ground or surface water flows without the written consent of the local planning authority.

*Reason: Requested by the Environment Agency to ensure that the proposed mineral excavation extension does not harm groundwater resources, in line with Paragraph 180 of the National Planning Policy Framework and the Northumbria River Basin Management Plan. Also, in accordance with County Durham Plan Policies 32 and 35, County Durham Minerals Local Plan Policy M38, County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Parts 14, 15 and 17 of the National Planning Policy Framework.*

## **ITEMS OF ARCHAEOLOGICAL INTEREST**

41. The Mineral Planning Authority shall be notified as soon as practicable of any features or artifacts believed to be of special archaeological interest encountered during the stripping, movement, placement and removal of soils and/or overburden materials or the extraction of minerals. Subject to the prior agreement of the landowner, reasonable access (which will not be unreasonably withheld) shall be afforded to the Minerals Planning Authority or its representatives to arrange and survey and record or recover such features and artifacts.

*Reason: In the interests of archaeology having regards to County Durham Plan Policy 44, County Durham Minerals and Waste Policies and Allocations Document Policy MW1 and Parts 16 and 17 of the of the National Planning Policy Framework.*

## **RESTORATION**

42. Restoration of the site shall be in complete accordance with the scheme approved in Condition 3 and schemes subsequently approved in accordance with Condition 5.

*Reason: To ensure the development is carried out in accordance with the approved documents.*

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

43. In accordance with the restoration requirements, all areas of hardstanding, including site compounds, access roads and haul roads, shall be broken up and removed from the site or buried at sufficient depth not to affect the final restoration of the site.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and*

*Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

44. In accordance with the restoration requirements, any fixed plant, machinery, and buildings shall be removed from the site.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

## **REPLACEMENT OF OVERBURDEN**

45. The final placement of overburden into the voids of each phase of completed workings shall be graded and backbladed to prevent the material becoming saturated and waterlogged. Careful attention should be paid to the bulk density of the overburden material, in order that the correct amount of compaction is achieved so that the void is neither under or overfilled.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

46. Overburden shall be replaced in phases to such levels, and in such a way that, after the replacement of soils, the contours of the restored land conform with the approved restoration contours.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

47. The Minerals Planning Authority shall be notified when Condition 46 has been complied with and shall be given an opportunity to inspect the surface before further restoration work is carried out.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

## **REPLACEMENT OF SOILS**

48. The material stored in accordance with Condition 25 shall only be respread when it, and the ground on which it is to be placed are in a sufficiently dry condition.

*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

49. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Condition 48 prior to further restoration being carried out, and should be kept informed as to the progress and stage of all works.



*Reason: To ensure the site is satisfactorily restored in accordance with County Durham Minerals Local Plan Policy M46, County Durham Minerals and Waste Policies and Allocations Document Policy MW20 and Part 17 of the National Planning Policy Framework.*

## **AFTERCARE**

50. The aftercare period referred to in the following conditions is a period of 5 years after the replacement of soils or soil making material in accordance with Condition 48 for the whole of the site and shall be in complete accordance with the approved documents in Condition 3 and schemes subsequently agreed to in accordance with Condition 5.

*Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.*

51. During the aftercare period no vehicles, (with the exception of low ground pressure types required for approved agricultural work and aftercare management), machinery or livestock shall be permitted on the land during the months of November - March inclusive, without the prior consent of the Mineral Planning Authority.

*Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.*

## **ANNUAL REVIEW**

52. Before 31 August every year during the aftercare period, a report shall be submitted to the Minerals Planning Authority recording the operations carried out on the land during the previous 12 months, and setting out the intended operations for the next 12 months.

*Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.*

53. Every year during the aftercare period the developer shall arrange a site meeting to be held before 30<sup>th</sup> November, on a date to be agreed with the Mineral Planning Authority, to discuss the report prepared in accordance with Condition 52, to which the following parties shall be invited:

- (a) the Mineral Planning Authority;
- (b) Natural England (and any successor);
- (c) all owners of land within the site;
- (d) representatives of other statutory and non-statutory bodies as appropriate

*Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.*

## **DRAINAGE**

54. During the aftercare period drainage works shall be maintained, or newly carried out as necessary, to prevent soil erosion and flooding of land in and outside the site.

*Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.*

## **COMPLETION AND AFTERCARE**

55. The period of aftercare shall be deemed to have been successfully completed following a period of 5 years management as confirmed in writing by the Mineral Planning Authority.

*Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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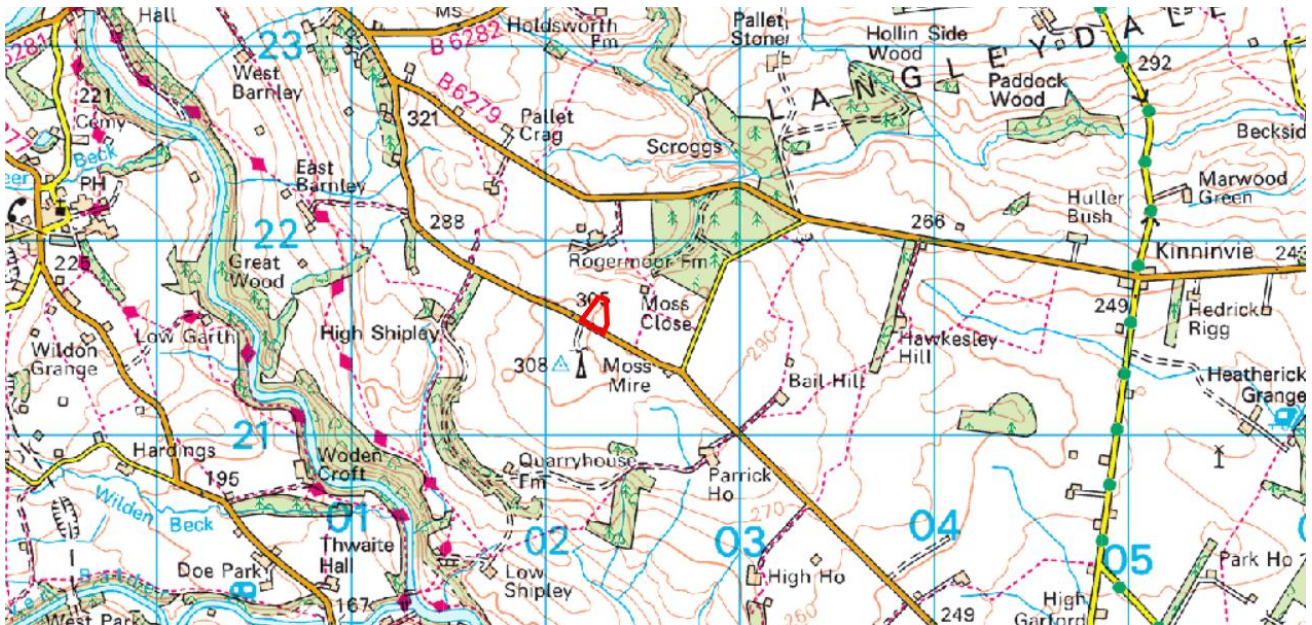
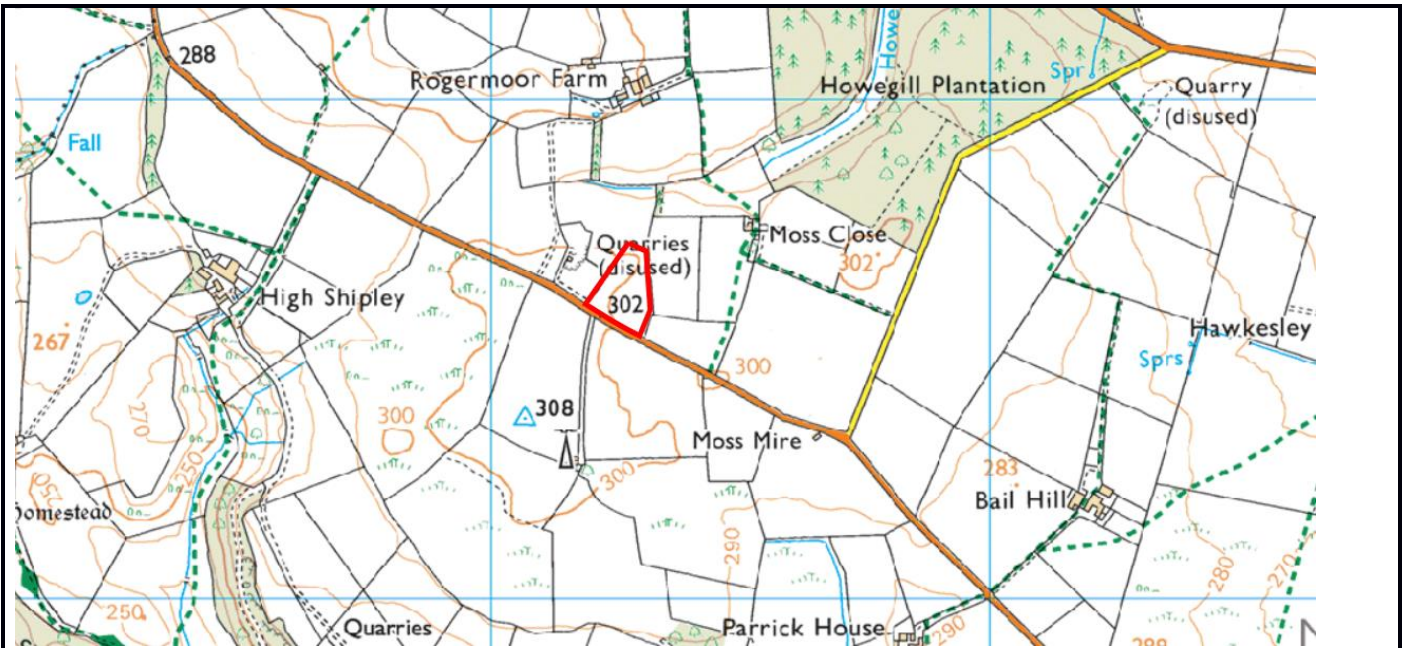
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (December 2023)
- National Planning Practice Guidance notes
- County Durham Plan (2020)
- County Durham Landscape Value Assessment (2019)
- County Durham Landscape Strategy (2008)
- County Durham Landscape Character (2008)
- AONB Management Plan 2019 – 2024
- Statutory, internal and public consultation responses



**Planning Services**

**DM/23/00171/MIN**

Proposed lateral extension to the east of Windy Hill Quarry (1.36 hectares) for the winning and working of sandstone and progressive restoration of the site, Windy Hill Quarry, Eggleston, Barnard Castle, DL12 0DW

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**Comments**

**Date** March 2024

**Scale** Not to Scale