

Planning Committee

19 September 2007

**Applications to be determined
by the County Council**



Report of Rod Lugg, Head of Environment and Planning

Purpose of the Report: To enable the Committee to determine applications for planning permission which have been received in accordance with the requirements of the Town and Country Planning Act 1990.

Sedgefield Borough: Proposal to vary Conditions 1 and 7 of Planning Permission T/APP/H1345/A/96/267255/P5 as amended by Planning Permission 7/2003/0045CM in order to: a) extend the date for completion of mineral extraction, b) revise the method of mineral extraction, c) revise phasing of inert landfill operations, at Bishop Middleham Quarry for W&M Thompson (Quarries) Limited

Introduction

- 1 Bishop Middleham Quarry is a limestone quarry (with a site area of 37.5 Ha), situated directly to the north of Bishop Middleham (see attached location plan). It is a regionally important producer of agricultural lime and harder limestone reserves are used for a range of crushed aggregates on construction projects throughout the region.
- 2 Planning permission for the extraction of limestone and reinstatement by infilling with waste at the Quarry was granted in 1983. An extension to the north west of the original quarry was granted on appeal in 1997 and a subsequent permission to alter the phasing for both mineral extraction and landfill operations was given in 2003.
- 3 Mineral extraction is currently taking place in the northern part of the extension area and landfilling is occurring in the central part of the original permission area and is due to commence in the extension area in late 2007. Mineral extraction is required to cease by 2009 and the site restored by 2021.
- 4 The operator has advised that it is not possible to meet the timetable for the completion of mineral extraction on the site and formal variation of existing planning conditions is therefore being sought. The submission to do this is supported by an update to the Environmental Statement submitted in 1995 which covers air quality, noise and vibration.

Proposal

The current proposal consists of three main elements:

- a) **Extend the date for completion of mineral extraction to 30 June 2015**
- 5 Mineral extraction has not occurred at rates previously forecast at the time of the 1997 permission and although extraction is not required to be completed until June 2009 an additional 6 years of consented reserves are estimated to be available beyond this date. A variation of Condition 7 of the planning permission is therefore sought to extend extraction to the end of June 2015; (from 31 December 2015 as originally sought). This would not affect the timescale for the overall restoration of the site.
- 6 The development of new infrastructure at the quarry, a reduced market for agricultural lime following the foot and mouth outbreak in 2001 and the increased use of secondary aggregates in place of some primary aggregates have been cited as factors in the reduced rate of mineral extraction at the site.

- 7 The applicant has stated that there were a number of problems with site infrastructure as the 1997 permission was being implemented, including delays in installing crash barriers on the road over the connecting tunnel, excavation through rock to form haul roads and transport of soils and subsoils around the site. As a result there was a period when production was at very low levels between the exhaustion of reserves in the original quarry permission area and commencement of extraction in the extension area.
- 8 A down turn in the agricultural economy in the UK over the last decade, compounded by the foot and mouth outbreak in 2001 (which suppressed the demand for agricultural lime and imposed limitations on vehicle movements and access arrangements at farms) also had a detrimental effect on output at the quarry. Demand for agricultural lime has now recovered and is back to 30 to 35% of quarry production which compares favourably to a rate of 40 to 42% at the time of the original application. The use of magnesian limestone remains important for crop and animal husbandry on soils prone to acidification throughout northern England and Scotland.
- 9 Secondary aggregate production has increased significantly throughout the region, including on site demolition and crushing. These products have successfully provided a substitute for certain primary aggregates. The applicant is a market leader in this field and has developed products and markets for secondary aggregates in construction throughout the region. The reserves of aggregate at Bishop Middleham have, in part, been conserved as a consequence of the increased use of these secondary aggregates.
- b) Revise the method of mineral extraction**
- 10 The approved method of extraction involves the use of the Cat D11 dozer to excavate the softer upper layers of limestone into the quarry void. Due to improved extraction techniques and the performance of various items of plant the applicant considers that there would be significant environmental improvements from small scale blasting combined with an excavator. It is therefore now proposed to loosen the rock by blasting and remove the limestone from a blast pile at the base of the active face with 360 degree excavators. It would then be transported to stockpiles and fed either directly to the primary crusher or stockpiled in the western part of the quarry for subsequent crushing. The revised method of mineral extraction does not propose any change to the order in which the different rock strata (benches) are worked in the quarry. However, the top strata (top 5m bench) would now be subject to blasting to fracture the rock prior to removal. Fracture blasting takes place in the lower two strata under the terms of the existing planning permission. It is now proposed to use this method in the top strata in replacement of ripping using the D11. Blasting currently occurs at the site every 5-6 weeks and, as a result of changes to the working method, the frequency would increase to a 3-5 weeks cycle.

c) Revise phasing of inert landfill operations

- 11 Inert landfill takes place on a phased basis following mineral extraction. While there is no proposal to revise the extent, duration or nature of landfill operations, it is stated that it has become necessary to revise the phasing programme to take account of operational requirements and to remedy an earlier oversight on the approved phasing plan whereby an area to be filled to achieve approved restoration levels was omitted. This variation would accord with the existing Waste Management Licence.

Consultations and views received

- 12 Sedgefield Borough Council has no objections to the proposal. However, concerns were expressed regarding the extended extraction period, particularly in light of the outstanding Lafarge application and it was requested that the County Council, in determining the application, be mindful of the potential detrimental affects of quarrying on the residential amenity of local residents in this area.
- 13 Bishop Middleham Parish Council objects to the proposal for the following reasons:
- i) It is considered that the proposed extension is excessive bearing in mind that residents in Bishop Middleham, especially those closest to the working quarry, will have to endure the social and environmental effects of the quarrying for around six years longer than originally envisaged.
 - ii) Additional weekly blasting operations for a further eight years or so from now will increase the frequency of noise and vibrations as well as the incidence of noise and dust which will invariably flow from such operations.
 - iii) While the Lafarge planning application to extend Thrislington Quarry is not part of the W&M Thompson proposal, the Parish Council is mindful of the severe cumulative long term effect of quarrying in and around Bishop Middleham should Durham County Council eventually approve the Lafarge application.

Comment: The planning application for an extension to Thrislington quarry is currently being assessed and has yet to be determined by the County Council. This proposes an extension to the existing quarry to the east of the A1 directly to the north of Bishop Middleham Quarry. Bishop Middleham Quarry has an existing permission and the current proposal relates to variation of conditions. Consideration would be given to possible cumulative impact issues in the local area as part of the Thrislington application.

- 14 Fishburn Parish Council (consulted as neighbouring Parish, 11 June 2007) has not commented.
- 15 Cornforth Parish Council (consulted as neighbouring Parish, 11 June 2007) has not commented.

- 16 The Environment Agency has no objections to the proposal.
- 17 The application has been advertised on site and in the local press and neighbour notification letters were sent to occupiers of residential properties in close proximity to the site and its access. Seven letters of objection have been received including one originally sent to the local member along with a video showing dust nuisance originating from the site on the 6 and 13 August 2007. The grounds for objection and concern expressed can be summarised as follows:

- i) The area is subjected to heavy falls of dust when the wind direction is from the quarry workings and due to minimal measures of control and inappropriate methods of soil stripping (Cat D11).

Comment: Existing planning conditions seek to control dust emissions and require regular dust monitoring. The revised method of mineral extraction would enable the applicant to exercise a greater level of control over dust emissions at the site (removal of the Cat D11). The Planning Authority has received several complaints from local residents relating to excessive dust emissions from the quarry including recent incidents shown on the video. These have been investigated. The applicant has advised that these were caused as a result of the water bowser being temporarily out of service and a rapid change in weather conditions. Following requests to resolve these problems the applicant has agreed to install an additional dust suppression system in the form of a fixed water spray pipeline along the 400m section of the haul road in the extension area. A revised dust action plan would also be produced if planning permission is granted.

- ii) There is a considerable amount of noise (the limits of which are set by planning condition and were regularly exceeded in the early years) a large part of which is at anti-social times. Machines are started from about 6 a.m., probably within the site sheds, but the noise carries and causes annoyance. The noise sometimes continues until 6.30 or 7.00 p.m. in the evening. Transport, [vehicles] appear to enter the site from about 6 a.m. to deposit loads of demolition material.

Comment: The permitted hours are 07.00 to 19.00 Monday to Friday and 07.00 to 12.00 on Saturdays with no working on Sundays or Bank Holidays. The issue has been raised with the site operator who has confirmed that the site is operating within the hours approved by the Planning Permission. No other complaints of this nature have been received by the Planning Authority. Noise levels are set through condition and monitoring reports show general compliance with the parameters agreed.

- iii) A six year extension, even allowing for foot and mouth, seems excessive and looks like a deliberate ruse to achieve the initial permission.

Comment: The permission allowed on appeal was for a period less than that which was applied for in the refused 1995 application. However, the Inspector determining the appeal, considered that the main issues were whether the proposals would cause undue harm to the landscape, the availability of waste materials to complete the inert landfill by 2021 and whether the need for the mineral and/or environmental benefits would outweigh any harm to the landscape. The stated aim of the planning application is to provide an additional period of time to allow the extraction of remaining consented mineral reserves.

- iv) The increased blasting would be intrusive and could possibly cause structural damage in the surrounding area. The extension of time would mean a further six years of noise, vibration and associated lorry movements, which would negatively affect residents' quality of life.

Comment: Limits on blasting are controlled through condition and would continue to be in place should planning permission be granted. Monitoring results show general compliance with the condition. During the period from August 2003 to July 2007 one complaint about blasting was received by the Planning Authority. It was investigated and no blasting had taken place at the quarry on that day. Additionally on the 30 August 2007 the authority received 5 complaints relating to drilling works and a subsequent blast at the site. Concerns were raised that Thompson's were blasting in the upper rock strata in contravention of the existing planning permission. The blast was witnessed by the Mineral Planning Authority's Monitoring Officer who reported that the blast took place in the lower rock strata and that the results were within the limits set by the existing planning permission.

- v) The minor road which the quarry undercuts has been destroyed by inappropriate fences and crash barriers and should be landscaped to restore it to the quiet country lane it always was.

Comment: Details of the underpass and the road above it were approved as part of the original permission granted on appeal. The crash barriers are required along the road above the site tunnel for highway safety reasons.

- vi) The foot and mouth epidemic is not a good reason for applying to extend quarry operations at the site and its impact on Scottish Farming is disputed. Thompson's have underestimated the use of secondary aggregates resulting in a reduction in demand for primary aggregates which it is expected will continue.

Comment: The applicant has submitted information relating to the state of the agricultural economy and the markets for agricultural lime and primary aggregates.

- 18 Two letters of support have also been received from a local landowner and a farm. The letters state;
- i) Current Government guidelines on the re-cycling of wastes were not policy at the time of the planning application. There is less inert infill available because of the recycling that is taking place and this will obviously extend the phasing of the infill period.
Comment: The proposals relate to the extension of time for mineral extraction and have no effect on landfill operations at the site.
 - ii) Farnless Farm is the closest property to the quarry; Thompson's are good neighbours and have done a great deal for the local community. The company's wagon drivers are courteous and demand for dolomite is great at present.
Comment: Current extraction phases at the quarry take place in the extension area which is some 500m from the residential property at Farnless Farm.

Planning considerations

Policies

- 19 The principle of extraction and infilling at the Bishop Middleham site is established by the existing planning permission. The Committee therefore needs to consider whether extending the time period for extraction operations, changing the working method and landfill phasing scheme would be environmentally acceptable.
- 20 Policies M36 of the County Durham Minerals Local Plan [MLP] and W33 of the County Durham Waste Local Plan [WLP] require that proposals for mineral or waste working should incorporate suitable mitigation measures to ensure potentially harmful impacts from pollution by noise, vibration, dust and mud are reduced to an acceptable level.
- 21 MLP Policy M1 seeks the maintenance of at least a ten year landbank of crushed rock in the County. Permitted reserves at the quarry make a small but important contribution to the overall landbank which is currently in a healthy position at approximately 27 years (132 million tonnes). The quarry also contributes to supplying regional and national needs for aggregates and non-aggregates (agricultural lime). Continued extraction at the quarry in the period beyond 2009 would maintain this contribution.
- 22 By 2009 it is estimated that approximately 2.2 million tonnes of limestone at the quarry would remain unworked. The MLP seeks to prevent the unnecessary sterilisation of mineral resources and this is also an important objective of the Government's policy for minerals planning as set out in Minerals Policy Statement 1 (MPS1) 'Planning and Minerals' (November 2006).

Residential amenity

- 23 The quarry lies immediately to the north of the village of Bishop Middleham and the closest properties along High Road are approximately 450m from the site access and approximately 290m from the nearest working phase of the quarry. Six properties are located to the north east of the boundary the closest being Highland House some 70m from the quarry boundary (approximately 111m from the extraction boundary). Farnless Farm lies some 70m to the east of the original quarry. Given that mineral extraction already exists and would not extend closer to residential properties than currently permitted, no significant new impacts are considered likely from the extension of time for extraction operations.

Dust

- 24 The applicant has stated that use of the D11 had previously resulted in periods when the control of dust emissions had been problematic. The change in working method would mean that mobile plant would operate in a smaller working area within the quarry void where dust suppression techniques can be applied more efficiently, increasing protection during windy periods. It is not expected additional blasting would create more dust. Conditions are currently in place covering dust suppression at the site and would continue to be applied if planning permission is granted. Further dust mitigation measures are proposed along with a revision to the dust action plan.

Noise

- 25 The principal noise source at the site was the Cat D11 dozer. This has recently been replaced with a 360 degree tracked excavator that has a lower declared sound power level and works at the quarry face which provides some noise attenuation. No increase in noise levels is expected as a result of the proposals.

Blasting

- 26 The use of blasting to loosen rock in the top bench (this already occurs in the lower benches) would increase the overall rate of blasting from once every 5 to 6 weeks (9 – 12 per year) to once every 3 to 5 weeks (15 – 20 per year). This together with the extension of time for extraction would increase the frequency and duration of blasting for a further 8 years (from 2007).
- 27 Monitoring results show overall compliance with existing planning conditions which set maximum levels for vibrations caused by blasts and given that there would be no changes to the size and nature of individual blasts these levels are not expected to change. Blasting activities would progressively move closer to the approved limits of extraction but would continue to be monitored if planning permission is granted.

- 28 Sedgefield Borough Council Environmental Health Officer has no objections to the proposal and noted that should planning permission be granted then existing conditions should be mirrored in any new consent.

Landscape and nature conservation

- 29 The site lies in open countryside within the Magnesian Limestone Escarpment of central Durham immediately north of the village of Bishop Middleham. An extension of time for extraction operations would prolong the visual effects of quarrying activities but continued operation over the specified period is unlikely to have any additional long term detrimental effect on the special character and quality of the area and surrounding residential properties.
- 30 The extension area (where the remaining mineral to be extracted is located) is relatively unobtrusive with views of the working being limited to the lane (unclassified road 35.17) where it passes between the existing quarry and the extension area. It is a minor trafficked road and well used as a footpath by local people. Fleeting views from the west can also be obtained from the A1(M) for persons travelling north. Views of operations and landfill phasing would be screened from the east by the existing screen mound.
- 31 The changes to the phasing of landfill operations would still achieve the approved levels for final restoration and would have no additional affect on the surrounding landscape or the final restoration date for the quarry of 2021.
- 32 Bishop Middleham Special Site of Scientific Interest lies immediately to the north of the original quarry. Given the nature of the proposals there would not be any significant effect on nature conservation interests in the vicinity.

Traffic and access considerations

- 33 The existing planning permission does not limit the number of vehicle movements. No changes are proposed to the current level of vehicle numbers or transport and access arrangements for the site and it is anticipated that the bulk of traffic movements for limestone extraction would be taken out via the existing access onto Stoneybeck Lane where vehicles would turn left to join the A177. The return loads of waste would use the reverse route. This level and routeing of traffic movements was deemed acceptable at the time of the earlier planning approvals relating to the site. All loads leaving the site go through an existing wheel wash prior to embarking on the public highway.

Recommendation and Reasons

- 34 Planning permission has been granted for mineral extraction and restoration through infilling with waste at the site. Mineral extraction is required to cease by June 2009 and the site restored by 2021. The applicant has indicated that for a number of reasons the completion of

mineral extraction will not be achieved by this end date and requests an extension of time until 30 June 2015. The end date has been reduced by 6 months from that originally proposed although further reductions are considered unrealistic. No change in the timescale for restoration of the site is proposed.

- 35 Any extension of time would prolong the environmental impacts of the extraction operation in terms of traffic, visual intrusion, vibration, noise and dust. However these impacts are known and although there have been complaints from residents of some surrounding properties recent monitoring results show general compliance with relevant controlling conditions. Elements of the revised working method would assist in controlling noise and dust emissions. Additional dust mitigation measures are to be implemented at the site.
- 36 Although the frequency of blasting at the site would increase over the remaining period of mineral extraction, this currently occurs within permitted limits and is regularly monitored. No significant changes are anticipated.
- 37 Without the extension to the period for mineral extraction approximately 2.2 million tonnes of workable minerals would not be worked and would be sterilised contrary to the broad aims of the County Durham Minerals Local Plan and Government Guidance for mineral working.
- 38 In these circumstances and given the need to fully utilise the remaining mineral resources at the site, I **recommend** that the application to vary Conditions 1 and 7 of the current planning permissions (relating to the extension to the period for mineral extraction and to references in approved documents as to the use of the D11 excavator and the existing landfill phasing plan) be approved, for the following reason:
- (i) The proposal would ensure remaining mineral reserves at the site are not sterilised and that these can be worked in an environmentally acceptable manner within agreed limits and with limited impact on the visual and residential amenities of the surrounding area, in accordance with MLP Policy M36.
- 39 The Planning Committee may also wish to advise the applicant of its disappointment that mineral extraction has fallen significantly behind schedule and that it expects extraction to be completed within the revised timetable.

No departure

Background Papers: Planning application and supporting statement, plans and additional information on planning application file ref: CMA/7/64.

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Key Facts

Total Site Area:	37.5Ha
Duration of Extraction:	Consented Expires 2009 Amended Expires 2015
Duration for Inert Landfill:	Consented Expires 2021 Final Restoration 2021
Products:	Limestone for construction aggregate Agricultural Lime
Types of Waste:	Industrial Excavation Demolition Construction
Total Consented Mineral Volume:	6.26 Million tonnes
Remaining Mineral Volume Expected 2009:	2.2 Million tonnes

Sedgefield Borough: Proposal not to vary conditions 1 and 7 of Planning Permission T/App/H/1345/A/96/267255/P5 as amended by Planning Permission 7/2003/0045CM in order to: a) extend the date for completion of mineral extraction, b) revise the method of mineral extraction, c) revise the phasing of inert landfill operations at Bishop Middleham Quarry for W M Thompson (Quarries) Limited.

