

Planning Committee

22 December 2004



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

Report of John Suckling, Head of 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 and the Environment Act 1995.

Teesdale District: 1) Periodic review of existing planning permission (which also seeks to extend the permitted time period for extraction in the area covered by Planning Permission No. 6/86/227CM), 2) extension to the existing quarry and 3) details to discharge requirements for restoration and aftercare details for the site under the requirements of Planning Permission No. CMA/6/3 Shipley Banks Quarry, Marwood, Barnard Castle for Shipley Quarries Ltd.

Background

- 1 Two submissions have been submitted relating to Shipley Banks Quarry, one for a periodic Review under the Environment Act 1995, and the second for an application for an extension to the existing quarry, dealt with sequentially in this report. As part of the Review the operator has applied to extend the life of the existing permission and supplied details to discharge requirements for restoration and aftercare details for the site.

The site

- 2 Shipley Banks Quarry is a small operational sandstone quarry, approximately 3 miles north of Barnard Castle, south of road B6278 between Barnard Castle and Middleton, on the north side of the River Tees valley.
- 3 Stone is currently extracted from the quarry face by mechanical shovel and then transported for processing to the old permission area by loading shovel along an existing haul road. The processing comprises the cutting and general finishing of stone for use in local construction work, primarily walling, paving, roofing slates and ornamental work. Typical for a dimension stone quarrying operation, the rate of extraction is slow with total annual sales between 2,300 and 2,500 tonnes, and wastage between 25% and 40%. Waste stone is stored within the working area for use as backfilling. A location plan, showing the planning permission areas and proposed extension areas, key facts sheet and schedule of proposed planning conditions are attached to this report.

Review under the Environment Act 1995

- 4 The Environment Act 1995 introduced significant new requirements for an initial review and updating of mineral planning permissions granted between 1948 and 1982, and the periodic review of all extant mineral permissions at 15 year intervals. The review process takes the form of a submission for consideration by the Mineral Planning Authority of a new and updated scheme of conditions, usually incorporating a reviewed scheme of working, restoration, and aftercare, as appropriate. The determination will have the effect of imposing new conditions for the future working of an existing minerals development for which planning permission has already been granted.
- 5 Shipley Banks Quarry is currently controlled by two mineral planning permissions. In 1998 the planning permission granted in 1961 by the County Council was reviewed under the requirements of the 1995 Act.

At that time the operator requested that only the old mineral planning permission covering an area of 0.9 hectares be reviewed since the planning permission granted in 1986 was sufficiently up-to-date. The old permission area was no longer used for mineral extraction, being mainly used for operations ancillary to stone extraction, notably processing and storage. The Planning Sub-Committee accepted the intended new scheme of conditions in respect of the 1961 permission part of Shipley Banks Quarry and the updated schedule of conditions was issued in October 1998.

- 6 The periodic review of the other planning permission dated May 1987 is now overdue. Planning permission was for a period of 20 years and will expire in 2007, but as part of the review the operator has applied to extend the life of the permission until 2030. The scheme submitted also covers access, traffic and protection of the public highway; environmental protection (noise and dust); and restoration and after-care. The operator also now wishes to consolidate the two existing planning permissions so that the entire site can operate under one set of conditions, and should permission be granted for a site extension the same conditions could apply to the entire site. The suggested draft schedule of conditions attached to this report may need some detailed adjustments.

The extension proposals

- 7 Two small extensions to the quarry are proposed. The main extension is proposed to the north-west of the existing working and covers approximately 0.3 hectares. The site, like the surrounding area, is currently in agricultural use.
- 8 A second, smaller, extension is proposed to the south of the existing working, covering an area of approximately 0.1 ha. This area is made up of two strips of land already being used for the turning of vehicles and the storage of stone for loading which require incorporating into the overall permission area. No mineral extraction in this area is proposed.
- 9 It is proposed that the mineral extension area will be worked as a continuation of the existing working which is gradually moving in a north-westerly direction over a period of 15 years. The extension area would be worked once existing permitted reserves are exhausted, from around 2015, and it is anticipated that the working would then continue for another 15 years with all mineral extraction ceasing in 2030.
- 10 It is proposed that the extension area be worked in three phases with progressive restoration. Although some details of the working of the extension area have been submitted, further full details would need to be submitted for consideration prior to commencement of any operations in the extension area.
- 11 Conditions would be required in respect of submission of the final details of reinstatement and aftercare. There are limited soils preserved on site for reinstatement, although some soils would be available from the extension area. It is therefore proposed that as a strategy spoil, including soils, would be regraded over areas of the

quarry floor and allowed to naturally re-vegetate. A normal 5 year aftercare establishment and maintenance period following reinstatement would be sufficient to reinstate a nature conservation afteruse of the quarry.

Discharge of existing conditions

- 12 As part of the application package submitted for determination, details are submitted to discharge the requirements of existing conditions, notably restoration and aftercare details for part of the quarry. However, once reviewed, all restoration and aftercare details would be submitted as a whole to a new timetable.

Other issues

- 13 Although extraction has ceased in the Review permission area, the applicant considers that there is potential for some limited further excavation in the longer term. However, the site operator has indicated that he would forgo the right to work the remaining reserves in the old permission area should the extension application be permitted.
- 14 The default time limit for the expiry of the older mineral planning permission is 21 February 2042. The site operator has stated that he would be willing to agree to adjust the end date of this permission to 2030 to coincide with the proposed end date of the remainder of the site should permission be granted for the extension proposals.

Planning considerations

General planning policy

- 15 Section 54A of the Town and Country Planning Act 1990 requires that where an adopted or approved development plan contains relevant policies, an application for planning permission shall be determined in accordance with the plan unless material considerations indicate otherwise. The submissions must therefore be considered against the adopted County Durham Structure Plan [CSP], adopted County Durham Minerals Local Plan [MLP] and the adopted Teesdale District Local Plan (June 2002) [TLP].
- 16 Legislation, supported by Government guidance in MPG14, requires the updating of old mineral planning permissions in order to secure improved operating and environmental standards. Shipley Banks is not identified in MLP Policy M53 as having deficiencies in its existing conditions. However, the periodic Review will enable consolidation and updating of the separate planning permissions. The suggested detailed conditions arising from the Review meet the terms of Policy M53 of the MLP regarding satisfactory working and reclamation.
- 17 Government advice in MPG1 notes that sandstone (as dimension stone) is not only used for new buildings and architectural cladding, but also plays an important role in the restoration of historic buildings and the maintenance of local building character. Each stone type has to fulfil specific physical and visual characteristics, and is quarried from

geological formations which are often quite restricted in occurrence. A variety of small dimension stone sources are crucial to providing specific stone types. Similarly it suggests that small operations may be needed in very specific locations, and points out that working and processing generally involve smaller areas and lower production rates than other mineral operations. Shipley Banks Quarry fits the description, and is claimed to be the only source of stone roofing slabs in the county.

- 18 In County Durham, sandstone working for use as building stone remains a significant local industry in Teesdale. Although the proposed development does not accord with Development Plan policies on the landbank for dimension stone (CSP Policy 75 and MLP Policy M1) as there is a theoretically large landbank of permitted reserves and no need to permit additional reserves, other considerations have to be taken into account when determining applications such as this. In particular, sandstone differs in quality and characteristics. The applicant has shown that there are specialised uses of building stone from this quarry, especially related to the geological formations which allow long heads and sills of stone. The Committee needs rather to consider the wider environmental issues raised by the proposed development.
- 19 The quarry currently employs two men in addition to the applicant. The proposal would not create more jobs directly but provides continuity for the present workforce in this rural area of Teesdale. The importance of the retention of employment in the local economy is acknowledged in CSP Policy 72 and in the MLP and needs to be given due weight.

Residential amenity

- 20 Five isolated dwellings lie within 800m of the quarry (650m of the proposed extension area) and share an access. The closest house, Quarry House Farm, is approximately 100m away and has independent access. MLP Policy 37 does not apply to single dwellings, and in this case both house and quarry have coexisted for many years. The proposed extension is further from the property than the present quarry. Working under the revised working and restoration conditions, and of the extension to the site, seem unlikely to increase any adverse impact on this dwelling.
- 21 Quarrying operations are relatively low key and generally remote from noise sensitive properties; a full noise assessment is therefore considered unnecessary, although limits and controls can be applied through conditions. Similarly potential for disturbance from dust is most unlikely. Nevertheless, conditions should ensure that the access to the site is kept clean. No blasting is proposed. Working hours will be restricted to 07:00 to 19:00 hours Mondays to Fridays and 07:00 to 14:00 hours Saturdays. The proposal accords with MLP Policy M36, intended to protect amenity in terms of noise and dust. The issue of traffic is dealt with in paragraphs 27 to 29.

Landscape and conservation

- 22 Access to the site is through Shipley Banks Wood, an ancient woodland. MLP Policy M27 seeks to protect areas of ancient semi natural woodland from minerals development which may have an adverse effect unless the developer has demonstrated that there are reasons for the proposal which clearly outweigh the need to safeguard the intrinsic qualities of the site. Part of the existing permission area is within the ancient woodland boundary but the actual trees and shrubs are long gone. No trees would be removed as a result of the Review or the extension application. The proposals will not significantly conflict with MLP Policy M27.
- 23 Some 300m to the south west of the site is Shipley and Great Wood SSSI. English Nature considers that, as the site is close to the SSSI, any loss of woodland will have implications for the ability of wildlife to migrate and the connectivity of the woodland habitat, and has landscape implications. Given that the woodland has retreated from the immediate environs of the quarry some time ago, wildlife will have adapted to the loss and there is unlikely to be a material effect on the SSSI as a result of the current proposals. English Nature suggests that a positive woodland restoration programme should be included within the final aftercare scheme which can be considered when comprehensive restoration proposals are being prepared.
- 24 The quarry is surrounded by pasture fields and lies within an Area of High Landscape Value (AHLV) as defined in the adopted Teesdale District Local Plan. The existing quarry is screened from main public vantage points by woodland and by the lie of the land from the B6278. There are some views into the quarry from the Tees valley to the west although old revegetated spoil heaps mitigate most impact. The height of stockpiles of dug material stored within the quarry is restricted. Views of the proposed mineral extension area would be similarly contained.
- 25 Small scale quarrying operations are part of the Teesdale landscape. There are five other dimension quarries, active or with permission, in the Teesdale countryside within the AHLV. It is difficult to find alternative sources or opportunities outside the AHLV which covers the whole locality. The proposal does not therefore conflict with CSP Policies 64, 73B and 72 and MLP Policies M23 and M36 in terms of visual intrusion.

Recreational issues

- 26 There are no footpaths crossing the existing or proposed quarrying areas. Footpath No. 4 Marwood shares the access road from the B6278 for a short distance. As traffic volumes are intended to remain similar, no conflict is anticipated. The proposals satisfy MLP Policy M35.

Traffic and access considerations

- 27 Access to the quarry will continue to be along the existing shared track from the B6278. The responsibility for repair of the road has been an issue between the quarry operator and ten other users, including farmers and visitors to a caravan park. I understand that an informal agreement which provides for its maintenance exists between the users of the access track. However, periodically the quarrying operation is blamed for perceived deterioration in condition. Existing planning conditions relating to the maintenance of the jointly owned access road appear not to have been fully successful.
- 28 Accordingly, it would be reasonable to require the applicant, through condition, to bring up to standard and maintain that part of the access track in his ownership to the satisfaction of the Mineral Planning Authority. The maintenance of the remainder of the track would be a private matter between the parties. However, prior to commencing in the extension area (if planning permission is granted) a “Grampian” condition could require the ‘one-off’ repair of this stretch of track to the satisfaction of the Mineral Planning Authority.
- 29 MLP Policies M36, M42 and M43 all seek to ensure that new development does not adversely affect local amenity in terms of traffic impacts and require suitable mitigation measures to reduce potentially harmful impacts to an acceptable level. The applicant estimates that the vehicle movements to and from the quarry would not increase. Through condition the number of heavy goods vehicles will be controlled and the total number of such vehicles leaving the site shall average no more than 20 per week or exceed a maximum of 1000 per year with a maximum of 60 per week in any four week working period. Under new conditions, the operator will be required to maintain a record, as well as ensuring all vehicles leaving the site are clean before entering the public highway, and to sheet laden outgoing lorries. The Head of Highway Management Services has no objection to the application to extend the quarry and considers that the maintenance of the track remains essentially a private matter between the various users.

Legal agreements

- 30 If planning permission were to be granted for the extension application, the site operator would be willing to surrender the right to work reserves in the older permission area (MRA/6/4) and bring forward the end date of that permission. A legal agreement to render inoperative the existing planning permissions would be required, thus enabling the site to be operated under one planning permission and schedule of conditions. The site operator is also willing to enter into an agreement to provide for the long-term management of the site once restored, should planning permission be granted for the site extension.

Consultations and views received

31 Teesdale District Council has no objection to the extensions and the proposed conditions.

32 Marwood Parish Council supports the application and submission.

33 The submissions have been advertised on site and in the local press. Two representations have been received, the first from the owner of Quarry House Farm, and the second from the owner of Stable Court, both at High Shipley. The issues they raise are:

i) Family disputes over land ownership and related agreements.

Comment: This is not an issue that can concern the Planning Committee's determination of the submissions. A small area worked a number of years ago appears to be outside the proven ownership of the applicant (although he claims that a verbal agreement transferred ownership in the late 1980's). The Director of Corporate Services advises that this has no bearing on determination of the present proposals. Nevertheless, unless evidence of ownership can be produced this small disputed area cannot be included in any legal agreement which may be required. Whether in practice it can be worked is for disputing parties to resolve.

ii) Concern that quarrying operations have taken place outside permitted areas.

Comment: Monitoring and inspection suggest otherwise.

iii) Concern that the proposed smaller extension area will restrict one of the accesses to Quarry House Farm and access to land owned by the applicant.

Comment: It is not proposed to use this area for mineral extraction; rather it will regularise activities currently taking place.

iv) That conditions should be imposed which require the existing quarry to be completed and existing soil heaps landscaped prior to the commencement of work in the extension area and also the construction of a dry stone wall; if not then the owner of Quarry House Farm objects to the proposed extension.

Comment: The submitted scheme and details regarding progressive working and restoration are unobjectionable. The provision of a dry stone wall can be agreed at any time between the neighbours.

v) The access is shared by a number of properties. Concern has been raised that the site operator has shown reluctance to contribute to the costs of road maintenance.

Comment: See paragraphs 27 to 29 of this report.

Recommendation and reasons

- 34 I **recommend** that in the light of the above planning and environmental considerations the Committee accepts the intended new scheme of conditions in respect of Shipley Banks Quarry, as attached to this report, and that planning permission be granted for a consolidation of time for mineral extraction at the site to 2030, and to discharge the requirements of Planning Permission No. CMA/6/3 (6/2001/0253/CM). For the following reasons:
- i) The scheme of conditions arrived at (amended from those submitted by the operator) provides a suitable updated framework for continued working and restoration at Shipley Banks Quarry. The working scheme makes appropriate provision for environmental and operational rationalisation and improvements, with restoration and aftercare provided for in due course. It generally accords with the County Council's standard format and Government advice, without restricting working rights further than before the Review.
 - ii) The consolidation, involving an extension of time for the completion of working in the existing permission area will ensure that reserves will be extracted within a specified period and a single end date applied.
- 35 I further **recommend** that planning permission be granted for the small area extensions for the following reasons:
- i) Assessment of the proposals finds no material adverse effects or conflict with planning policy. Given the small size of the quarry and extensions and its output, any impacts are minimal and not significantly detrimental to the appearance or environment of the area, and can be adequately controlled through conditions. Accordingly the proposed development does not conflict with CSP Policies 64 and 73B, and MLP M23.
 - ii) Quarrying at Shipley Banks is long established, and potential alternative sources of stone in this locality outside the AHLV designated area are not evident. Although there is already a sufficient landbank of reserves of building stone, the particular need for and use of this specialised stone are sufficient to outweigh the landbank consideration and justify a departure from CSP Policy 75 and MLP Policy M1.
- 36 Planning permission can be issued as a consolidated scheme for the working and restoration of the entire site, subject to the conclusion of appropriate legal agreements.

Minor departure

Background Papers

Planning application forms, certificates, supporting statements dated 30/04/02 and 01/05/02.

Plans:

- EXT/02/01 Location Plan
- EXT/02/02 New application area, localised tenure, existing consents (revised June 2004)
- EXT/02/03 Tenure and access, footpaths
- EXT/02/03 Tenure and access (revised June 2004)
- EXT/02/03 Tenure and access, footpaths (revised June 2004)
- EXT/02/04 Proposed extension area Working scheme stage I
- EXT/02/05 Proposed extension area Working scheme end of stage II
- EXT/02/06 Proposed extension area Working scheme end of stage II – storage and turning areas bunded.
- EXT/02/06 Proposed extension area Working scheme final landform

- Plan No. 227/REV/01 Permission areas, adjacent ownership and access
- Plan No. 227/REV/02 Situation at 30/04/02
- Plan No. 227/REV/03 Establishment of working strip and progressive reinstatement
- Plan No. 227/REV/04 Dispersal of subsoil and topsoil
- Plan No. 227/REV/05 final landform of 6/86/227CM & MRA/6/4
- North-west ownership boundary (revised June 2004)

Letters from Whitehouse Services to Durham County Council dated 30/04/02, 13/10/02, 12/11/02, 24/09/03, 24/06/04, 11/08/04, 08/09/04 and 06/10/04.

Consultation letters and responses, representations and other correspondence on the application file CMA/6/33 & MRA/6/8.

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Teesdale District: 1) Periodic review of existing planning permission (which also seeks to extend the permitted time period for extraction in the area covered by Planning Permission No. 6/86/227CM), 2) extension to the existing quarry and 3) details to discharge requirements for restoration and aftercare details for the site under the requirements of Planning Permission No. CMA/6/3 Shipley Banks Quarry, Marwood, Barnard Castle for Shipley Quarries Ltd.

Key Facts

Site area:	Existing permission area 2.5 Ha (1.5 Ha in 1987 permission area (Planning Permission Number 6/86/227CM) & 1 Ha in old permission area (Planning Permission Number CA22119 as reviewed in 1998 and referred to as MRA/6/4) Proposed extension areas 0.3 & 0.1 Ha.
Existing land use:	Existing permission areas: quarry. Proposed extension areas: agriculture (pasture) and incidental use as part of current operations.
Proposed land use:	Nature conservation afteruse.
Mineral resources to be extracted:	Existing permission area: Approximately 33,000 tonnes of sandstone reserves. Proposed extension area: Approximately 34,000 tonnes of sandstone resources.
Use of mineral:	Dimension and construction stone, to continue to be used in local building work, primarily for walling, paving, roofing slates and ornamental work.
Blasting:	No blasting is permitted or proposed.
Duration of working:	Existing permission area: permitted until 2042. Proposed extension area: extraction until 2030. Both consolidated to 2030.
Hours of operation:	Quarrying operations and traffic movements: 07.00 - 19.00 Mon. - Fri. 07.00 - 14.00 Sat
Lorry movements:	120 (60 in/60 out) per week.
Lorry routeing:	Via existing shared access track onto the B6278.
Employment:	3 employees.