

Sedgefield District: Extension to existing brickshale quarry to continue supply of brick making materials to Eldon Brickworks, Eldon Quarry, Bishop Auckland for Wienerberger Ltd

Introduction

- 1 Eldon Quarry is a long-standing brickshale quarry situated between the villages of Eldon and Old Eldon, some 4km to the east of Bishop Auckland. It has supplied the adjacent Eldon brickworks with brick making materials over many years. Permitted reserves at the site are almost exhausted and additional material is needed to maintain an ongoing supply to the works.
- 2 It is proposed to extend the quarry to the north and east of the existing site to secure long term production. This planning application details how this would be achieved and is accompanied by an Environmental Statement (ES) that considers the environmental effects of the scheme. This report has had regard to the information contained in the ES and supplementary material and that arising from statutory consultations and publicity of the proposals and other material considerations.

Relevant Planning History

- 3 It is understood that Eldon Brick Company was formed in 1933 on the closure of Eldon Colliery, although bricks have been made on the site since 1877. Planning permission for the brickworks was granted under a number of separate consents.
- 4 The quarrying of brickshale was granted at Eldon Quarry under Interim Development Order (IDO) arrangements by Shildon Urban District Council, in February 1948. A new schedule of planning conditions for the working and restoration of the site were approved by the Development Control Sub Committee in 1994 under the requirements of the Planning and Compensation Act 1991. Under the current planning permission mineral extraction at the site is permitted until February 2042. The IDO permission area covered two areas to the north and south of Road C34. The right to work the southern IDO area was removed by legal agreement in 1998 in association with Eldon Deep opencast coal scheme.
- 5 In 1988 planning permission was granted for an extension to the materials stockpiling area at the brickworks in order to accommodate stockpile heaps of shale and clays for brickmaking. Part of this area is included in the current planning application area for use as soil storage.
- 6 Working the brickshale exposes some ancillary coal in the shallow seams and pillars. In 2000 planning permission was granted for the extraction of this ancillary coal which had previously been extracted and transported off site without the necessary planning permission. In 2003 planning permission was granted to reshape and retain an overburden mound to the south of the site.

Current Application

- 7 The existing quarry has three brickshale horizons and the different types of shale are blended as required to provide optimum qualities for brick manufacture. The lower shales cannot be used on their own and have to be mixed with the upper shales which are almost exhausted. If planning permission is granted the remaining lower shales in the existing quarry would be worked and mixed with supplies of upper shales extracted from the proposed extension area.
- 8 In July 2007 it was estimated that there were 18 months of reserves remaining with alternative sources needing to be found in early 2008 to allow continued blending and import to the brickworks during that year. The proposed extension area would extend the available reserves for 31 years at current output levels, thereby providing long term security of supply to the brickworks.

The Proposal

- 9 The application site is 22.76 ha in total and comprises 11.36 ha within the existing quarry and an 11.4 ha extension area. Mineral extraction would take place in an area of 13.4 ha. It is proposed to extract approximately 2,330,000 tonnes of brickmaking materials (mainly shale) at an annual output of 75,000 tonnes over 31 years (plus 1 year final restoration and planting and 5 years aftercare). Some 55,000 tonnes of in situ coal would also be extracted during the life of the site. Extraction would occur on a campaign basis over a period of 4 to 8 weeks, 2 to 3 times per year in line with current arrangements. A plan and key facts sheet are attached to this report.

Working Method

- 10 The proposed method of working involves quarrying in 4 main phases each lasting approximately 8 years although the detailed scope of each phase would depend on the need to replenish the various stockpiles of brickmaking materials. Within the existing quarry extraction would proceed in a westward direction to the limits of the permission area. This area would then be restored with materials from the extension area. Extraction would then progress northwards to the northern boundary of the existing quarry.
- 11 Mineral extraction would take place in an anticlockwise direction in the extension area starting in the south eastern corner of the existing quarry working eastwards, then northwards and to the west. The mineral would be removed from the operational faces via excavator and dumptrucks would transport the brickshale to the designated stockpiling area within the brickworks site where it would be tipped and profiled.
- 12 Soils, overburden and interburden (material between the layers of brickshale) once stripped would be temporarily stored until required for use in restoration. Overburden and interburden would be stored in various locations on the quarry floor and soils would be stored in the

existing soil storage area where there is spare capacity. Stockpile heights within the void would be no higher than surrounding land levels, but are likely to be at lower levels for most of the working period. Coal would be temporarily stockpiled near the quarry entrance or in the quarry void, in mounds no more than 3m in height.

- 13 Progressive restoration is currently undertaken on a campaign basis when sufficient overburden materials and completed excavation areas are available.
- 14 It is proposed that the site would be restored to provide 8 ha of agricultural land, 10.3 ha of woodland and 2 ha of species rich grassland. A 5 year statutory aftercare period would be provided. Although as the site is to be progressively restored the applicant is of the view that the majority of the restored phases will receive more than 10 years aftercare.
- 15 The proposed working hours would mirror those of the existing quarry (07.00 - 19.00 Monday to Friday and 07.00 - 13.00 on Saturdays). No working is proposed on Sundays or Public or Bank Holidays, with the exception of essential safety and/or maintenance. 34 people are currently employed at the brickworks and quarry, excluding the excavation contractor's employees.
- 16 Vehicular access to the site would continue to be taken from Road C34. All materials (excluding coal) would be moved using internal haul roads between the quarry, stockpiling areas and brickworks. Coal would be taken offsite 2 or 3 times per year and would involve between 60 – 90 vehicle movements. The export of bricks from the brickworks is not included in the application.

Consultations and views received

- 17 Sedgefield Borough Council raises no objection in principle to the proposed development as it is already identified in the approved County Durham Minerals Local Plan but requests that the County Council consider the following matters before determining the application:
 - 1) That the proposed quarry extension fully meets the requirements of the relevant policies in the County Durham Minerals Local Plan.
 - 2) That appropriate and robust conditions are applied and monitored if permission is granted to ensure that dust arising from the site and noise emanating from plant and machinery is kept to an absolute minimum in the interests of safeguarding residential amenity of the area.
 - 3) That appropriate measures are taken to safeguard protected species within the site and mitigate for the loss of hedgerow resulting from the development of the site.
- 18 Wear Valley District Council (consulted as neighbouring authority) has not commented.

19 Eldon Parish Council (EPC) has commented on the application a number of times and states that it does not oppose the development because of its economic importance to the area of Eldon which requires a secure supply of brickshale to ensure its future. However, EPC feels that although the planning application is an excellent and thorough document, it tends too much towards the convenience and interests of the brickworks and is disappointed that comments made in a letter at the pre-application stage seem to have been largely ignored by the applicant. It therefore asks that the contents of that letter are taken into account when making recommendations. EPC's concerns are summarised below:

- Operating noise and dust: plant must be noise suppressed using the latest technology; the nuisance from the reversing signals of plant and vehicles should be dealt with as EPC suggested. EPC asks for specific assurances in the planning consent that plant would not reverse during operations or that a hooter system to warn of reversing, rather than a 'beeping' tone, would be adopted.
- Distance from properties: this should be re-assessed, particularly in respect of Blue House Farm house.
- Importation of shale: this should not be discounted for mixing with existing stocks and current exploitation area reserves if by doing so the scheme could be significantly delayed.
- Alternative working methods: these should be re-examined in order to reduce the overall exploitation period to well below 31 years and to ensure non-operation during the summer months.
- Lorry routes: coal exports and shale imports (if any) should be via the C34 and C35 roads to the A689; the unclassified roads from Old Eldon, south to Shildon and north via Eldon Hope should be closed to this traffic. EPC asks for specific assurances in the planning consent that that lorry traffic continues down the C34 to the C35 irrespective of the final destination of the coal and that empty vehicles returning are equally restricted. Lorries must obey a 30mph speed limit through Old Eldon even though the official limit is 60mph. Lorries turning right from the C34 onto the Old Eldon/Shildon road (and vice versa) is unacceptable because of the narrowness of the C34 at this point and the poor visibility. The twisting nature of the unclassified road in its first 200m or so towards Shildon also constitutes a traffic hazard if used by lorries. Similarly the unclassified Old Eldon to Leasingthorne road to the A689 via Eldon Hope is unsuitable. Such conditions were imposed upon UK Coal during the Eldon Deep scheme and were strictly and successfully enforced.
- Export of shale from the quarry: this should be forbidden and the output used only at Eldon Brickworks.
- A Section 39 Agreement be included in the planning consent to ensure that a proper management plan for the restored site is in place and properly enforced subsequently.
- Provision for a liaison committee should be included in the planning consent as it is essential that such a long term major extraction scheme gives EPC and individual residents the opportunity to formally bring to the operator concerns, complaints and suggestions in a structured way. Representatives of Durham County Council and Sedgefield Borough Council should also attend such meetings.

- A Section 106 Agreement whereby a condition/conditions could be incorporated into any planning approval to bring about benefit to the residents/area to compensate for the ongoing presence of the quarrying operations which will continue to affect the area and its residents for many years to come.

20 A meeting took place between Wienerberger and the Parish Council on 28 September 2007 to discuss the concerns of the Parish Council. Following that meeting the Parish Council has made the following comments:

- The Parish Council considers that the following are formally incorporated into any planning permission granted by the Council: establishment of the Liaison Committee itself; the 'user-friendly' reversing tones of plant; and the restriction of coal lorries from and to the quarry to the C34 and C35 roads. It is also requested that the speed of these lorries through Old Eldon be restricted to 30mph.
- Wienerberger and EPC seemed to be at cross-purposes over a Section 39 agreement. The Parish Council's point is that, as with the Eldon Deep surface mine permission, the future use of land when reinstated should be restricted to agriculture or to wildlife purposes, and presumably this would be enforceable upon the landowners, not Wienerberger.
- Proposals on methods of working so as to create the optimum benefit for residents and to cause the least harm to flora and fauna is beyond the expertise of the Parish Council, but it would emphasise how vital this is and would expect the County Council to look after these interests. From residents' point of view noise, dust and guarantees against any blasting damage are the most important factors in this context.

Comment: The applicant has agreed to the route for all heavy goods vehicles leaving the site to use the C34 and C35 and this would be covered by legal agreement. Regular liaison committee meetings would be required through planning condition which would provide a forum for ongoing dialogue on such matters as the potential for reversing sirens to be audible. Conditions to control the environmental impacts of the proposed development would also be imposed should planning permission be granted. The issue of alternative methods of working and appropriate legal agreement are considered elsewhere in this report. A Section 39 agreement is not considered necessary given that as each area is to be progressively restored and transferred into aftercare the majority of the site is likely to be subject to more years of aftercare than the statutory 5 years. In addition the habitats proposed are capable of being created successfully within the timescales available. The ecological value of the site is generally low and there is no loss of any habitat proposed that is of such value that would necessarily require a Section 39 agreement to achieve an adequate level of mitigation.

21 Dene Valley Parish Council (consulted as neighbouring Parish Council) has not commented.

- 22 Middridge Parish Council (consulted as neighbouring Parish Council) has not commented.
- 23 Windlestone Parish Council (consulted as neighbouring Parish Council) has not commented.
- 24 The North East Assembly considers that given the locational constraints relating to the nature of the development and that it represents an extension of an existing operation adjacent to a brickworks, the proposal would be in general conformity with the objectives of RPG1 Policies DP1 and DP2, and submission draft RSS Policies 2 and 3.
- 25 Natural England (Government Team) advises that the proposal is unlikely to have an adverse affect in respect of species especially protected by law. Natural England also advises that the applicant should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.
- 26 Natural England (Geology, Landscape and Soils Team) does not wish to object to the application, but would recommend that any granting of planning permission should be made subject to appropriate conditions to safeguard soil resources and agricultural interests. It is generally satisfied that the overall soils handling and restoration proposals, should permit the relevant land to be reclaimed to an acceptable quality for agriculture, and/or other approved vegetation-based afteruses.
- 27 The Durham Bat Group has not commented.
- 28 Butterfly Conservation makes comments on the surveys that were undertaken by the applicant and considers that as no systematic survey was undertaken the list of Lepidoptera recorded should not be viewed as comprehensive. Also as no dates are given for the surveys it is difficult to be certain which other species might be present. However, from the data provided the neutral grassland in the south-east corner of the application site seems to support a good butterfly assemblage, although without any UK BAP or LBAP species. The extension area would appear not to affect this significantly so Butterfly Conservation has no objection to this development on the grounds of adverse effects on the butterfly fauna. The potential to create Dingy Skipper habitat upon restoration is highlighted.
- 29 Durham Wildlife Trust has not commented.
- 30 Durham County Badger Group (DCBG) has concerns regarding the effect on protected species. These relate to the large scale loss of foraging area for the species given the size of the site, concern about alternative foraging areas and the length of time it takes for newly restored land to achieve adequate levels of earthworm content. The effect of the footpath diversion on protected species and the need for

adequate fencing is also highlighted. If planning permission is granted, a condition should be imposed requiring that the current best practice regarding soil handling techniques and soil storage methods be followed aimed at maintaining and improving earthworm content. Otherwise, DCBG considers that protected species and the biodiversity of the area will suffer and statutory requirements will not be met. DCBG is willing to meet with the applicant to discuss measures for improving the restored land as regards earthworm content and foraging.

Comment: The applicant is prepared to erect warning signs if required and considers that the progressive nature of working and restoration means that foraging areas would remain and be re-established. DCBG would be consulted on appropriate mitigation measures for improving the restoration to assist foraging and compliance with any conditions that provided assurances on soil handling and storage methods. DCBG welcomes the provision of fences and warning signs but still has concern regarding foraging areas in the future. Specific details of the fencing associated with the footpath diversion could also be covered by condition.

- 31 The Environment Agency has no objections to the proposed development as submitted but has made the following comments:
- Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
 - The applicant has not assessed the potential for groundwater levels to change as a result of minewater rebound as requested in the scoping opinion consultation. It is simply stated that there is no groundwater rising within the existing void and the same conditions are expected to be encountered within the proposed extension. Whilst this may be a true reflection of the current position, if groundwater levels do rise due to minewater rebound in the future, the base of the quarry may be below the water table. The applicant should consider having a contingency plan in the event that this happens.

Comment: The applicant has provided additional information in response to the Agency's comments. The Environment Agency notes that the issues have been acknowledged and has no further comments to make.

- 32 English Heritage has no comments or observations to make on either the Environmental Statement or the application itself.
- 33 The Coal Authority has no objection to the proposed development. However, before any coal can be extracted from the extension area Wienerberger Limited must first obtain a licence from the Coal Authority to do so.

Representations from members of the public

- 34 The proposals were displayed at a public exhibition held by the applicant prior to formal submission. The application has been advertised on site and in the press as part of the planning consultation and neighbour notification letters were sent to residential properties close to the site.
- 35 One letter of objection has been received from the residents of Blue House Farm and raises the following concerns.
- The extension will come to within 50m of the farm house.
 - This will result in unacceptable noise, dust and vibration in a peaceful rural location.
 - The workings will disturb and possibly destroy the habitats of the area's fauna, including hares, badgers, deer and pheasants and will eliminate flora including orchids, cowslips and wild strawberries.
 - No extra jobs will be created locally because the excavations and eventual reinstatement will be carried out by contractors with their own workforce.
 - The site will be a visual eyesore and noise and dust nuisance for 31 years.
- 36 The objector appreciates the importance of the brickworks to the local and regional economy and realises that for it to continue new supplies of brickshale must continue to be available. However, there are currently large stocks of shale stored on site with more to be won from the existing quarry and these could be augmented by imported brickshale if different types are necessary. The relatively small quantities to be imported over many years would not unduly affect traffic volumes on local roads and would be preferable to the disruption of local life by this long drawn out scheme. An alternative scheme would be to work the full site continuously over a short period. The Eldon Deep opencast site was worked partly in order to revoke an existing brickshale permission which would have taken 50 years to exhaust. The shale from Eldon Deep was meant to be stored at Eldon Brickworks for use there but instead most was exported, contrary to what had been promised. This must not be allowed to happen in this case. Even if such an alternative scheme is adopted however it should not come so close to Blue House as is proposed in this current application. Whatever scheme goes ahead, a tree screen and a fence should be provided at the Blue House boundary. The County Council is requested to take into account the matters outlined and the effect on the lives of the local people should be the major consideration.

Comment: The relevant planning issues are considered in this report.

Policy Considerations

National Guidance

- 37 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 38 Government guidance of particular relevance to the development is contained in Minerals Policy Statement 1: Planning and Minerals (MPS1) and Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (MPS2). MPS1 sets out the Government's key overarching policies which apply to minerals planning. As a statement of Government policy it is a key material planning consideration which provisions in part supersede the MLP. Annex 2 of MPS1 states that brick clay should be extracted as close as possible to the brickworks and requires planning authorities to maintain and enhance diversity of brickclay. Provision should also be made for brickclay at levels that reflect the capital expenditure needed to maintain and improve the brick-making plant (sufficient for 25 years production). The proposal would provide for the extension of Eldon Quarry which is adjacent to the brickworks and would meet key requirements of MPS1.
- 39 MPS2 provides guidance in terms of the need to protect the environment and the amenity of local communities. The proposal's acceptability in relation to the environment and local amenity are addressed in this report.

County Durham Minerals Local Plan

- 40 There are a number of adopted County Durham Minerals Local Plan (MLP) policies relevant to the proposed development. The Plan was adopted in 2000 following intensive consultation and publicity and a public inquiry. The policies listed have been "saved" for continued use until the Minerals and Waste Development Framework is adopted.
- 41 Policy M1 (Landbanks) sets landbanks of permitted reserves to be maintained during the Plan period. This policy specifies a 15 year landbank of brick making material should be maintained. This part of Policy M1 has in effect been superseded by the provisions of MPS1 which refers to providing reserves equivalent to 25 years production for each manufacturing plant. This application if permitted would achieve this result as the proposal provides for 31 years of brick clay extraction which cannot be met from existing permissions and the preferred area only.
- 42 Policy M3 (Extensions) allows extensions to mineral workings under the allocations made in various MLP policies including Policy M10 which refers to sites not adding significantly to the total landbank of approved reserves within the County. The Policy also refers to the environmental impacts of working and preventing further mineral extraction on the Magnesian Limestone Escarpment. The site does lie within the boundary of the Magnesian Limestone Escarpment. However, this policy needs to be considered in light of the position at 2008 and the 25 years requirement for brickclay specified in MPS1.

- 43 Policy M10 (Preferred areas) identified a preferred area of brickclay working at Eldon to maintain the 15 years MLP landbank. The proposed extension is only partly within the area identified on the proposal maps/inset map 7 as an extension to Eldon Quarry and therefore is a minor departure from the preferred area allocation, both in terms of its area of extent and the quantities of materials involved. The preferred area at Eldon is however now recognised as insufficient to maintain the 25 years period specified by MPS1. Given changed circumstances this departure is considered acceptable.
- 44 Policy M12 (Proposals outside of the identified areas) sets out the criteria under which mineral extraction would be permitted outside preferred areas and designated landscape areas. The site does not lie within any designated landscape areas and this proposal for an extension to an existing mineral working is to meet an established need which cannot be met from existing permissions, or from within an area of search of preferred area, or by the use of suitable secondary or recycled materials.
- 45 Policy M24 (Local landscapes) requires that minerals developments ensure that the scale of any adverse effects on local landscape character is kept to an acceptable minimum and conserve as far as possible important features of the local landscape. It also requires that restoration schemes for mineral workings have regard to the quality of the local landscape and seek to provide landscape improvements where appropriate. Policies M27 (Locally important nature conservation value) and M29 (Conservation of nature conservation value) relate to minerals development affecting local conservation interest and the need for proposals to incorporate appropriate measure to ensure any adverse impact on nature conservation interest is minimised.
- 46 Policy M31 (Archaeology) relates to archaeology and the need for archaeological field evaluation prior to the determination where there is reason to believe that important archaeological remains may exist. Policy M34 (Agricultural land) seeks to protect the best and most versatile agricultural land. 5.8 ha is Grade 3a. Policy M35 (Recreational areas and public rights of way) seeks to prevent development that would have an unacceptable impact on the recreational value of the countryside.
- 47 Policy M36 (Protecting local amenity) and M37 (Standoff distances) seek to protect local amenity. Policy M38 (Water resources) relates to the protection of the water environment. Policies M42 (Road traffic) and M43 (Minimising traffic impacts) relate specifically to traffic issues in respect of minerals development.
- 48 Policy M45 (Cumulative impact) requires cumulative impact of past, present and future workings to be considered. Policy M46 (Restoration conditions) relates to conditions and other legal agreements to cover a range of issues relating to the satisfactory restoration of minerals sites. Policy M47 (After uses) provides advice in relation to proposals for the

afteruse of mineral sites. Policy M51 (Storage) states that conditions will be imposed and planning obligations or other legal agreements sought in relation to mineral stocking areas. Policy M52 (Site management) states that in considering planning applications for mineral development 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.

- 49 The proposed extension to Eldon Quarry generally accords with MLP policies referred to above with the exception of Policies M1, M3 and M10. These conflicts are considered to be non-material given the need to consider the current proposal in light of the position at 2008 this being the current needs of the brickworks and the provisions of MPS1.

Detailed environmental considerations

Residential amenity

- 50 The site is located between the villages of Eldon and Old Eldon. The closest residential property, Eldon Blue House Farm, is located approximately 45m to the north east of the site and Old Colliery House is approximately 78m to the west. Properties at Pasture Row are some 300m to the southwest of the application boundary and approximately 460m from the existing quarry void. These properties are screened by the existing permanent mound to the south of the currently permitted area. The closest property in Old Eldon is some 180m to the east of the application boundary but extraction would take place some 300m from the property. Within 250m of the application boundary are 8 properties at Old Eldon but extraction and associated activities would take place further away from these properties.

Noise

- 51 The applicant has carried out a noise assessment, the results of which are contained in the ES. The assessment states that predicted noise levels have been calculated for long term operations and short term operations such as soil stripping reflecting possible worst case working situations for properties, with site activity modelled at points of closest proximity to these properties. The predicted noise levels do not exceed the levels recommended in MPS2 for normal or temporary operation such as soil stripping or overburden removal. For Eldon Blue House Farm it is considered that normal operations could be perceptible above the background noise but would be within acceptable levels. Normal operations may be heard at Old Colliery House.
- 52 Mitigation measures to reduce the impact of noise are proposed in order to ensure noise effects are minimised. These include the construction of a topsoil bund to maintain a barrier between Eldon Blue House, site operations and the haul roads. Plant and machinery would be operated within the permitted working hours and would be fitted with silencers and regularly maintained. In addition the site operator would notify the Council and local residents in advance of temporary operations that may

result in elevated noise levels and provide an indication of the nature and anticipated duration of the operation. Should planning permission be granted these measures together with noise limits and a noise monitoring scheme could be secured by condition.

- 53 Sedgefield Borough Council Environmental Health Officer (EHO) has made a number of comments regarding the proposed development. In terms of noise the EHO suggests planning conditions requiring a noise level of 55dB(A) for normal operations and a level of 70dB(A) for temporary operations when measured at any local noise sensitive property.

Dust

- 54 The ES has assessed the potential impact of dust from the proposed extension site at sensitive receptors. The prevailing wind direction is from the south west.
- 55 The assessment considers that the potential for the creation of significant quantities of dust is minimal due to the nature and method of extraction and the campaign basis of operations. It is considered that only the temporary operations of soil stripping and overburden would produce dust and these would be limited to 8 weeks per year. The potential for dust generation from haul roads is identified as slight as they would be graded and watered during site operations and long dry periods when these are not taking place.
- 56 Although operations have the potential to generate dust there are unlikely to be significant adverse effects on the surrounding area and appropriate mitigation measures would be put in place to minimise nuisance. The submission of a dust action plan and requirement for dust monitoring can be covered by planning conditions together with a package of other measures. These would include use of wheel cleaning equipment, sheeting of vehicles, the provision and use of a water supply and dust suppression equipment and the seeding of soil storage areas, topsoil bunds and restored areas. The Environmental Health Officer has no overriding concerns about dust control provided mitigation measures along the lines indicated are put in place.

Landscape and visual impact

- 57 The application area is made up of the existing quarry void, areas used for soils, overburden and brick-shale storage, and agricultural land bounded by hedges and fences. It is bordered to the west by Eldon Brickworks, to the south by Road C34, to the east by an access track to Eldon Blue House Farm and to the north by open farmland. The unworked part of the application area slopes generally westwards towards the existing quarry void and brickworks; gently in the east, and more steeply in the north. The surrounding land is in agricultural use, mostly arable with some grazing. To the north and east is the restored land of the former Blackie Boy Colliery with extensive areas of coniferous woodland and reclaimed pasture. South of Road C34 is the

recently restored Eldon Deep opencast coal site, a mixture of farmland and broadleaved woodland.

- 58 The proposals would entail the removal of sections of mature hedgerow along the eastern and northern boundaries of the existing void. This would be offset by the planting of a greater length of new hedgerow as advanced or restoration planting. The proposals would involve a modification of the natural topography leaving a notably artificial and engineered final void. The natural topography of the escarpment is quite 'muted' in this area and is already compromised by the existing quarry void. It is proposed to plant the slopes with broadleaved woodland to help disguise the artificiality of the landform and to help assimilate it into the wider landscape. It is anticipated that this will develop into a positive feature in the long term.
- 59 The existing quarry void, overburden mounds and stockpiles are visually intrusive in some views from the south and west, mostly within around 1km of the site, but are not particularly prominent in views from the wider landscape. They are generally screened in views from the east by intervening ground. They are partially or intermittently screened in views from the south and west by intervening buildings and vegetation, and by an existing screening mound in the south of the site. The proposals would involve extending the quarry void eastwards into rising ground, which would increase its impact in some local views, particularly from the south and west, Blue House Farm to the immediate north, and Footpath No.19 to the immediate east.
- 60 It is proposed to plant broadleaved woodland on the existing southern screening mound in Phase 1 during the 2008/2009 planting season. This would help to screen later phases of development in views from the south and west as it matures especially from lower ground. Hedgerows would be planted on the northern and eastern boundaries of the site before works commenced. These would provide a screening function relatively quickly (less than 5 years) in views from Footpath 19 and Blue House Farm. Woodland planting is proposed between the extraction area and Blue House Farm and early planting would screen the later phases of development as it matured. A soil mound is proposed between this woodland and the void at its closest during Phase 3.
- 61 While there would be deterioration in the quality of views from some local vantage points during the operation of the site, with the mitigation measures in place it is anticipated that the effects on residential amenity and the character of the landscape would be moderate and localised.

Restoration

- 62 The site would be restored progressively as the phased extraction moved in an anti-clockwise direction, leaving a bowl-shaped void. Extraction faces and benches would be covered with overburden, interburden and soils leaving steep uniform slopes. An access road would be developed approximately half way up these slopes and retained in the final restoration. The base of the quarry void would be

restored to pasture and the slopes to a combination of native broadleaved woodland on the middle and upper slopes and species rich grassland on the lower slopes.

- 63 The final landform and mix of soft end uses are considered acceptable and appropriate for the site and its setting and review mechanisms would be in place to ensure that a scheme of the required standard is delivered. As part of this it would be appropriate to periodically agree details prior to the commencement of works in each phase so that a regular review of working and restoration can take place during the life of the site. This will also allow opportunities for amending the detail of the restoration plan to exploit any opportunities for habitat creation that might be presented by the presence of limestone substrates. The submission of a final restoration scheme within a specified time period would also be required.
- 64 The statutory 5 years aftercare period would apply to the restored site. The applicant is of the view that as the site is to be progressively restored the majority of the restored phases would receive more than 10 years aftercare. Should planning permission be granted then it would be appropriate that an additional 5 years aftercare for the final Phase 4 works should be required through legal agreement.
- 65 MPG 7 states that responsibility for the restoration and aftercare of mineral sites lies with the operator and, in the case of default, with the landowner. Applicants should therefore, demonstrate what the likely financial and material budgets for restoration, aftercare and after-use will be, and how they propose to make provision for such work during the operational life of the site. This is important to avoid future dereliction and the possibility that the costs of reclamation of mineral sites might have to be borne by other public or private sources.
- 66 Weinerberger is not currently a member of any industry guarantee fund, but considers that it has a clear track record against which past performances can be assessed and is both capable and committed to the full working and restoration of the site.

Recreational amenity

- 67 The proposal would involve the modification of part of the local footpath network in the vicinity of the site. A section of Footpath No. 25 Eldon Parish runs north south along the eastern boundary of the quarry void and to the west of the proposed extension area. It is proposed that this section of footpath would be permanently diverted, at its southern point and carried eastwards across the access track to Blue House Farm to join Footpath No. 19 Eldon Parish.
- 68 Footpath No. 18 Eldon Parish joins Footpath No. 19 to the north of the application site but ends abruptly within the brickworks and there is no connection to the Road C34 and footpath to the south. It is therefore proposed that the footpath would be diverted to the west through the former Blackie Boy Reclamation Scheme and link up with an existing Footpath 8 at Close House to the south east of the brickworks as well as

exiting onto Road C34. Plantation improvements are also proposed and discussions are on going with the County Council as landowner regarding the proposed diversion of Footpath No. 18 and the purchase of adjoining land.

- 69 Whilst footpath users in the immediate vicinity of the site may experience some physical changes and immediate impacts from the extension of operations, the proposal would not have an unacceptable impact on the recreational value of the countryside. Alternative routes are to be provided that maintain links to the wider public rights of way network and resolve the unsatisfactory situation whereby Footpath No. 18 stops within the site.

Agricultural quality

- 70 The undisturbed part of the application area is currently in agricultural use and according to a site survey is mainly Grades 3a (5.8 Ha) and 3b (2 Ha). Grade 2 and 3a soils are regarded as being best and most versatile. The comments of Natural England in terms of soils and agriculture are contained in paragraph 26. The proposal raises no significant issues in terms of the loss of good quality agricultural land. 8 Ha of land would be returned to agriculture overall and should planning permission be granted conditions would control soil stripping, handling, storage and replacement.

Nature Conservation

- 71 The proposed site is not affected by nature conservation designations and the nearest site of local conservation interest (Eldon Grassland County Wildlife Site) lies 270m to the north east.
- 72 A detailed ecological survey has been undertaken and the site as a whole is considered to be of limited ecological value in botanical and ornithological terms. However protected species are present towards the south eastern part of the site and these habitats were considered in a separate report. The area to the south east would not be directly affected by quarrying activities. Some hedgerows are of conservation valuation and would be lost but additional planting would be provided.
- 73 Whilst there would be some localised effects, in nature conservation terms, from the loss of open land and hedgerows, mitigation measures would be included in the overall proposals to control the impacts and provide a more varied habitat for wildlife as the site is restored.

Hydrology

- 74 There are no watercourses or groundwater arisings within the application site. Dene Beck, a tributary of the River Gaunless, lies some 300m west of the application site. The ES has assessed the impact of the proposed development upon water resources.

- 75 Rainwater collects in the existing quarry and percolates down to the water table and there are currently no requirements to discharge surface water or groundwater from the site. This process is expected to continue albeit that the amount of surface water collected would increase because of the extended size of the void. However this would not significantly impact upon the level or quality of groundwater. Mineral extraction below the water table is not proposed and so dewatering would not be required. Drainage ditches to prevent the deterioration of the working and to ensure surrounding fields continue to drain effectively would be provided.
- 76 Current practices seek to ensure that accidental releases of sediment, fuel and oil to the water environment are minimised and controlled and this would continue if planning permission is granted. It is considered that upon restoration the landform would operate as a self contained catchment with rainwater draining to a low point within the final void resulting in an area of seasonal ponding.
- 77 No adverse impacts on surface or ground water have been identified at this stage which cannot be controlled through mitigation measures and conditions.

Archaeology

- 78 An archaeological assessment and a field evaluation to ascertain the archaeological resource and constraints of the site were carried out on behalf of the applicant. There are no records of any features of national or local importance but the site is in close proximity of the medieval settlement of Old Eldon and features of potential interest from the medieval and post medieval periods were identified. A field evaluation has been carried out and has shown that the possible archaeological features identified in the ES are not of significant interest to warrant any further work. However, due to the continued possibility of medieval and post-medieval activity in the surrounding area, it is recommended that further evaluation takes place on any ground to the south of the proposed extension area, should these works extend here in the future. The Director of Adult and Community Services has no objection to the planning application. Should the application be approved a condition requiring that the Mineral Planning Authority be notified if any features or artefacts of archaeological or scientific interest are encountered would be imposed.

Cumulative impact

- 79 There are no active mineral sites within 5km of the application site. The former Eldon Deep opencast coal site commenced in 1998 and entered aftercare in 2003 for a period of 5 years. The existing quarry has been operational since the late 1940's. Planning permission exists for the sand and gravel extraction at Hummerbeck some 5km from the site but a new scheme of working and restoration conditions are required to be agreed prior to the recommencement of mineral extraction at the site. Disturbance caused by the former opencast coal site has now ceased

and the Hummerbeck site is some distance away. Whilst any large-scale excavation will have cumulative environmental impacts arising from the effects of working over an extended period regardless of mitigation measures, the proposal does not raise material conflicts in terms of planning policy concerning cumulative effects.

Traffic and access

- 80 The access to Eldon Brickworks is off Road C34. No excavated material is taken off site, apart from coal and there are currently no restrictions relating to vehicle movements at the brickworks and the quarry. According to the applicant during 2006 the bricks were dispatched on 250 days working at an average of 13 loads per day. All HGV vehicles turn onto Road C34 when leaving the site and then onwards to market depending on the commercial end use of the bricks or coal. These figures are not expected to change significantly if the proposal proceeds and coal would be taken offsite 2 or 3 times per year involving 60 (30 in 30 out) to 90 (45 in 45 out) vehicle movements.
- 81 The ES considers the traffic impact associated with the proposed development against a do nothing scenario. If the development did not proceed there would be a need to import some 75,000 tonnes of brickshale to the site per year which would result in increased vehicle movements to and from the brickworks.
- 82 Should planning permission be granted appropriate conditions would be imposed relating to the sheeting of loaded vehicles to ensure vehicles are clean prior to entering the public highway, the maintenance of haul roads and the sweeping or removal of debris deposited on the highway. Conditions would also be placed on the number of vehicle movements associated with coal extraction and to prohibit the export of brickshale from the site.
- 83 The Head of Highway Management Services accepts that it is not possible to impose a condition restricting the route of vehicles leaving the site but requests that an advisory route be agreed such that HGVs proceed eastwards from the quarry along the C34 to the C35 where they can turn either north or south. Return vehicles should utilise the reverse of this route. Subject to this, the Head of Highway Management Services has no objection to the continued use of this quarry. Such a route could be secured through legal agreement.

Socio-economic issues

- 84 34 people are currently employed at the quarry and brickworks. The proposed extension would ensure continued employment associated with the site and provide favourable circumstances for continued investment in plant and equipment to meet modern production and environmental standards at the brickworks. The quarry and brickworks, is an established business that provides a small but important number of jobs, mainly for local people, and has a positive impact on the local economy both directly and indirectly.

- 85 Wienerberger Ltd., a subsidiary of Wienerberger AG, is the third largest manufacturer and supplier of bricks in the UK and was established in 2004. It has operated the quarry and brickworks since 2004. Current sales from the site are 25 million bricks per year with a large proportion being sold to factories for distribution. The applicant estimates that 60% of bricks produced are utilised within 100 miles of the brickworks. Given the housing market the need for bricks will continue to exist.

Alternatives

- 86 Although there are two dedicated sites in the MLP for mineral extraction related to brickmaking at Eldon and Todhills (also owned by the applicant). A number of alternatives to the proposal have been considered. Windfall deposits of brickmaking materials, for example from opencast coal sites, would not be a suitable method of obtaining resources as the source cannot be guaranteed and is not in keeping with the 15 year landbank philosophy set out in MLP Policy M1. An alternative supply of brickshale would also have environmental impacts.
- 87 Alternative working methods on the site itself have also looked at including excavating in a clockwise direction from Phase 4 to Phase 1. However it was felt that this would increase the impact on Blue House Farm and so was not pursued. If progressed eastwards there would be difficulties in accessing all the clays in various strata to get the appropriate mixing of materials and to work out of the site at the end of extraction as the land rises eastwards.
- 88 A reduction in the duration of the working period has been rejected for a number of reasons. There is limited space at the brickworks for the storage of the brickmaking materials and the bricks, produced. If there was a temporary fall in the sale of bricks production would need to slow down once storage capacity for the finished product was reached. The applicant's experience over several years has shown that the production rates projected for the application are achievable. Storage capacity is also required for the quality control necessity to rotate the brick stock and the rate of production could not be increased further with the existing plant kiln capacity.
- 89 In addition material can only be quarried at the rate that it can be used on site. The method of brick production (blending of clays from different horizons) necessitates a campaign approach to extraction that generates stockpiles of varying specifications for use over subsequent weeks. Costs related to mobilisation of earthwork contractors make it more cost effective to carry out extraction operations on a campaign basis to fill the stockpile area and then cease extraction until new resources are required. Weather conditions and hibernation periods also impact upon when mineral extraction can take place.

Legal agreements

- 90 The application boundary includes the majority of the old IDO permission area but excludes land to the south that is due to be released from aftercare in April 2008. The applicant has requested that this area be released early from aftercare and a decision is still to be made on this matter. The IDO permission would be revoked if the development proceeds and quarrying operations would take place under a single planning permission. However, the 1988 planning permission would remain as it extends outside of the application area.
- 91 The other matter that would be covered by legal agreement would be the lorry route for the vehicles carrying coal.

Conclusion

- 92 Eldon Quarry has a long planning history and operates on an IDO consent granted in 1948 with mineral extraction permitted until February 2042. Despite the long life of the planning permission reserves are estimated to run out later this year. The proposed extension makes provision for continued extraction to 2040 and would broadly be in line with the latest Government guidance. MPS1 refers to the need for brickmaking material landbanks of 25 years.
- 93 The proposal would allow identified reserves to be quarried as part of a comprehensive working and restoration scheme and avoid the need for further extensions in future years. The campaign nature of the works also limits the possible environmental implications of quarrying activities. Although the proposal departs in some respects from the situation envisaged in the MLP, it is not considered that it would significantly prejudice the implementation of MLP policies and proposals.
- 94 If planning permission is not granted then there would be a need for brickshale to be imported to the site. This would have economic consequences for the brickworks and in practical terms would result in an increased number of uncontrolled HGV vehicles to the site. Given the proximity of the brickworks a ready and accessible supply of brickshale would also be beneficial in broad sustainability terms. Traffic is not currently an issue at this site and this situation is not expected to change significantly and limits on the movements of coal lorries can be secured through condition and lorry routes through legal agreement.
- 95 Whilst there would be some impacts upon local amenity associated with noise, dust and visual impact at certain stages of the development these would be at acceptable levels and can be controlled through the implementation of appropriate mitigation measures and planning conditions.

Recommendation and Reasons

- 96 I therefore **recommend** that planning permission be granted for the proposed extension to the existing brickshale quarry in order to continue the supply of brick making materials to Eldon Brickworks, subject to appropriate controlling conditions and the completion of appropriate legal agreements, for the following reasons:
- i) Quarrying at Eldon Quarry is long established and benefits the economy both locally and nationally through the production of bricks at the neighbouring Brickworks and there is an established need for a material that cannot be met from existing permissions and the preferred area.
 - ii) Although the proposal departs from the provisions of Policies M3 and M10, the overall approach of brickclay extraction at Eldon is in line with the MLP approach of securing clay from dedicated sources as close as possible to existing brickworks and it would enable the achievement of a landbank for brickmaking of over 25 years as set out in MPS1. It is therefore not considered that the proposal would significantly prejudice the implementation of the MLP policies and proposals.
 - iii) The impacts of the development would not be significantly detrimental to the appearance of the area or to residential amenity and wider environmental concerns and can be adequately controlled through conditions in accordance with MLP Policies M36 and M37.

Minor Departure

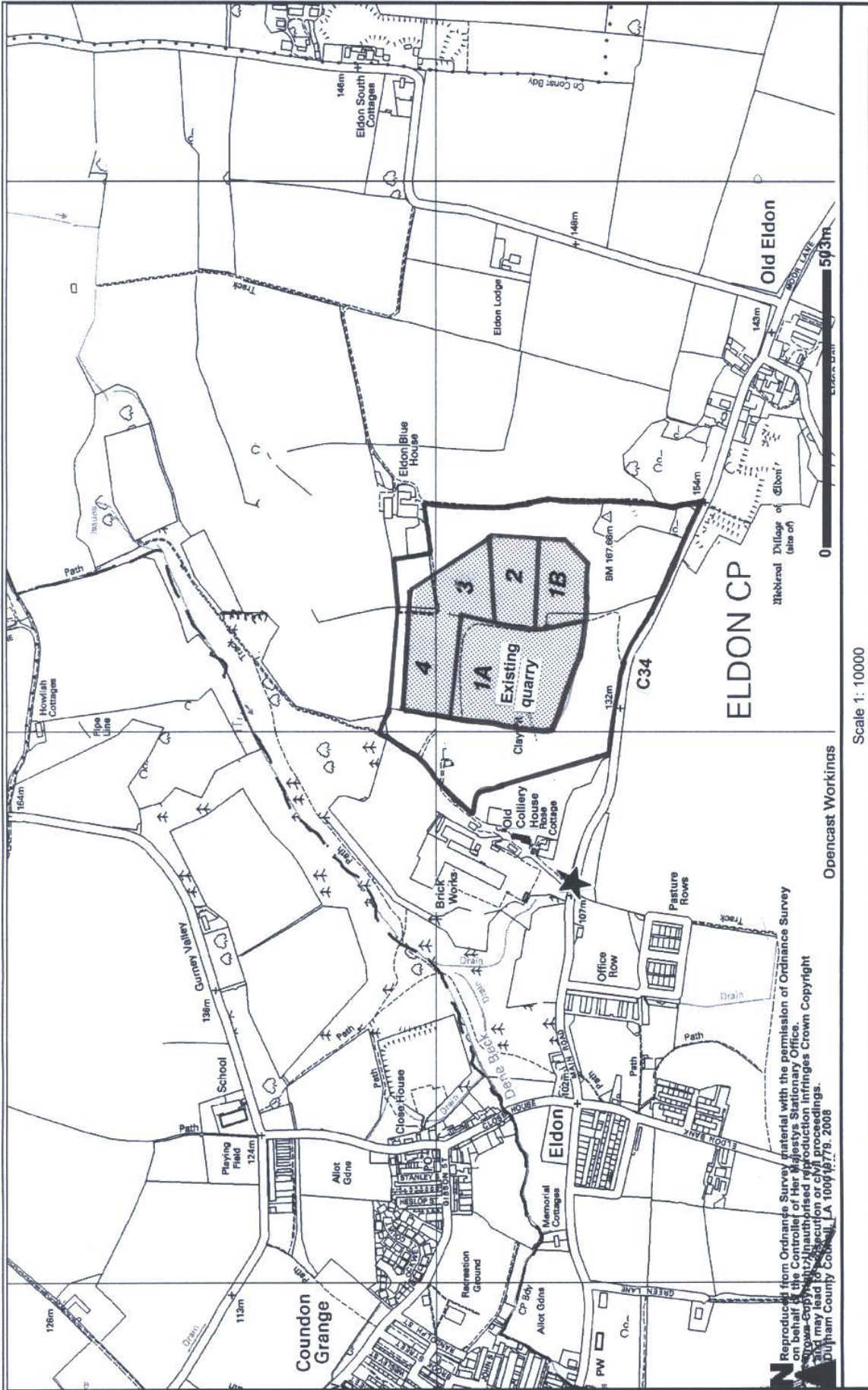
Background papers: Planning application and supporting statement, plans and additional information on planning application file ref: CMA/7/63.

Contact:	John Byers	Tel: 0191 383 3408
Local Member:	Councillor V Chapman	

District: Sedgefield
Planning Application No: CMA/7/63
Proposed Development: Proposed extension to Eldon Brickshale Quarry, Eldon for Wienerberger Ltd.

Key Facts

Site area:	22.76 ha total area (comprising 11.36 ha within the existing quarry and an 11.4 ha extension area) 13.4 ha area of excavation in total.
Existing land use:	Existing brickshale quarry and agricultural land (5.8 ha Grade 3a and 2 ha Grade 3b).
Proposed restored land use:	8 ha of agricultural land, 10.3 ha of woodland, 2 ha of species rich grassland.
Mineral resources to be extracted:	2,330,000 tonnes of brick making materials and coal. Annual output of 75,000 tonnes per year of brick making materials. 55,000 tonnes of coal in total.
Seams to be worked:	Top High Main and combined Threequarter and Fivequarter.
Use of mineral resources:	Brickshale to be used in brick manufacture at the adjacent Eldon Brickworks. Coal to be used for electricity generation.
Duration of working (including reinstatement):	31 years mineral extraction Start date: 2008 End date: 2040 1 year reinstatement and planting and 5 years aftercare. Periodic excavation of material for 4 to 8 weeks, 2 to 3 times per year.
Hours of operation:	Site operations (soil stripping and overburden removal and mineral working): 07.00 - 19.00 Mon. - Fri. 07.00 - 13.00 Sat No working on Sundays or Public/Bank Holidays, with the exception of essential safety/maintenance.
Lorry movements:	Coal would be taken offsite 2 or 3 times per year involving 30 to 45 vehicle movements in and out of the site.
Lorry routeing:	Internal haulage of brickshale to adjacent brickworks. Coal to be exported off site 2 to 3 times annually via Road C34 and onward to market. Currently the majority of coal travels east to the A1(M) and then south to power stations in Yorkshire and the East Midlands. It is expected that this would continue.
Blasting:	No blasting is proposed.
Employment:	34 people are currently employed at the site.



Opencast Workings

Scale 1: 10000

District: Sedgefield
Extension to existing brickshale quarry to continue supply of brick making materials to Eldon Brickworks, Eldon Quarry, Bishop Auckland for Wienerberger Ltd

Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office.
 Crown Copyright/Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Durham County Council, LA 100919779, 2008