

**Planning Committee**

**22 July 2008**

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



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**Report of Rod Lugg, Head of Environment and Planning**

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**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.**

**Teesdale District:** Proposed consolidation of future operations at Stainton Quarry including a proposed extension for the disposal of mineral waste generated by the cutting and dressing of stone on site, at Stainton Quarry, Stainton for Ennstone Building Products Limited

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## **Background**

- 1 Stainton Quarry is a long-standing sandstone quarry in the village of Stainton near Barnard Castle. It supplies high quality building stone for new and historic buildings as well as walling stone and other masonry products. Little stone has been extracted on the site in recent years due to an inability to access remaining reserves under waste heaps that have grown from the cutting and dressing of Stainton Stone and that imported from quarries in Northumberland and Cumbria. However, some Stainton stone is recovered through the reworking of the heaps that now occupy one third of the quarry floor.
- 2 Viable reserves on site are running low and becoming more difficult to work and the site operator considers that previously tipped mineral wastes need to be worked on a more extensive basis to maintain continuity of operations and ensure that unusable minerals are safely deposited. Additional land is required to carry out these activities and bring about the satisfactory restoration of the site. A westerly extension to the quarry is proposed to achieve this and provide a phased exit from the site by 2021.
- 3 The planning application 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.
- 4 A number of revisions to the scheme have been made since the application was first submitted. Originally a new site access was proposed to the west of the site along with a specified route for all lorry traffic that avoided Stainton village. Following an objection to the proposed lorry route by the County Council as Highways Authority the applicant has reverted to use of the existing access through Stainton village. Due to the change in access arrangements it is now intended that the final landform on the proposed extension area would consist of a single mound rather than three.

## **Relevant planning history**

- 5 Planning permission was granted in July 1997 for stone extraction and related activities, including the importation of some stone from other quarries to produce cut and block stone in conjunction with Stainton stone. A legal agreement set limits on the proportion of imported stone for processing and provides for an annual report to be submitted to the Authority itemising the origin of all stone products sold from the site. Under the current planning permission mineral extraction at the site must cease by 31 December 2042 and the site restored 2 years later.

- 6 In May 1999 planning permission was granted for a building and plant to be used in the production of reconstituted stone blocks from recycled stone within the waste heap. The legal agreement relating to the site was amended to place restrictions on the materials to be imported for the manufacture of the reconstituted stone blocks.
- 7 The production building was not implemented entirely in accordance with the approved layout and in November 2002 the Planning Committee resolved to grant planning permission retrospectively for this change. The operator also wished to reduce the minimum proportion of recycled waste stone going into the reconstituted blocks, in order to satisfy quality standards. Amendments to the legal agreement were needed to bring about the cessation of manufacturing upon the completion of quarrying at the site and to control the proportion of imported stone processed.
- 8 The planning permission and legal agreement were never issued as the Company subsequently advised that it had difficulty in meeting the terms of the legal agreement due to market demands for specific natural stone products from other sources within the Company's control. This created an imbalance of imported stone processed on the site within any one financial year. The Company therefore proposed that the period specified in the legal agreement to achieve the 50% total of natural stone to imported stone be increased from 1 to 4 years. The Company also advised that this alteration would not increase approved vehicle movements to the site and would enable the cessation of quarry related activities and restoration of the site by January 2016.
- 9 These matters were reported to the Planning Committee in July 2005 when it was agreed to issue the revised legal agreement and consolidated planning permission as set out in its resolution of November 2002. Regrettably these documents have still to come into effect as the Company informed officers in 2006 that the revised legal agreement was no longer practical in the light of market conditions, further geological assessment and the need for an extension to the site, which has now been submitted for consideration.

### **The proposal**

- 10 The application site covers 20.3ha of land (10.5ha with the existing quarry and a 9.8ha extension area). The proposed extension area lies to the west of the existing quarry and is currently in agricultural use as pasture. The proposal involves the continued extraction and working of waste heaps within the existing quarry and the deposit of waste material within the proposed extension area in a permanent landscape mound. The height of the proposed mound would vary across the site, rising to a maximum height of 10m above existing ground levels upon restoration. It would have a width of between 190 – 70m and a length of some 310m.

- 11 The site would be worked in 3 phases with all quarrying and tipping operations ending by 31 December 2019. The plant and site infrastructure would be removed by the following year, and the site fully restored by 31 December 2021. Tipping operations would be limited to a period not exceeding 8 weeks in any one year. Phase 1 would include enabling works associated with the creation of an access into the extension area, the formation of two temporary soil storage mounds in its north west corner, the development of the southern part of the waste tip and advance planting along the western and southern boundaries of the extension area.
- 12 Phase 1 works within the existing quarry would involve the extraction of in situ stone from the north western part of the site and the creation of new storage areas for the various stone products and to allow HGV parking. Material would be worked in a south to north direction using an excavator. Usable stone would be stockpiled and waste either tipped within the extension area or used as backfill once the sandstone has been extracted.
- 13 Waste material would be placed in the southern part of the extension area with the outer face created first (Phase 1a) and then spread with soils and planted. This initial face would provide screening for future tipping operations. It is estimated that 108,200 m<sup>3</sup> of waste stone would be required for the creation of the southern part of the raised landform which would be 5m to 7m in height. The landform would be formed from the material discarded from the reworking of the heaps and that generated from the continued cutting and dressing of imported stone and Stainton stone.
- 14 Phase 2 working associated with the creation of the central part of the mound would commence in the third year of operations and would last for 3½ years using approximately 39,500 m<sup>3</sup> of waste stone. This mound would be spread with soils stripped from Phase 3. Within the existing quarry the underlying sandstone reserves would continue to be extracted and the extraction area backfilled with waste materials generated from the sandstone cutting operations.
- 15 The creation of the northern and final part of the landform would take place in Phase 3 over a period of 7 years. It is estimated that 90,300m<sup>3</sup> of waste sandstone excavated from the eastern quarry tip would be used to complete the landform which would be spread with the stored soils. At the end of Phase 3 the entire site would be restored. A 5 year aftercare period applying to all new planting on the site is proposed.
- 16 Ennstone estimates that there are some 240,269 tonnes of Stainton stone within the existing quarry, some 107,800 tonnes of recoverable stone within the existing heaps (referred to as the North and East Tips) and 132,469 tonnes in the ground to be quarried below the waste heaps (referred to as western and central areas) and in the western part of the existing planning permission area. Within the western area Ennstone estimate that 89,613 tonnes is present and in the central area some 42,856 tonnes. The total volume of minerals waste to be disposed of

until 2021, taking into account future import is approximately 376,000m<sup>3</sup>. Of this some 238,000m<sup>3</sup> would be placed in the proposed extension area and 138,000m<sup>3</sup> would be used for the restoration of the existing quarry.

- 17 No additional buildings are proposed as part of the development and it is intended that all existing buildings be covered by any new planning permission. The reconstituted blocks (slightly longer in appearance than a normal brick) comprise a mix of crushed waste stone and imported limestone aggregate and cement.
- 18 The existing hours of operation for quarrying and crushing of stone in the quarry involve a 07.00 start and working until 18.00 on weekdays and 07:00 until 12:00 Saturdays. The delivery and dispatch of stone is permitted between 0800 – 1700 Monday to Friday and 0800 – 1300 Saturdays. Other manufacturing activities are permitted within the hours of 0600 – 2200 (specific activities have specific hours of working but are not outside of these hours). No changes to operational hours are proposed. Employment details are contained in paragraph 98.
- 19 The current vehicular access to the quarry is taken from road C43 in Stainton village, adjacent to Hesley Rise and this would continue to be used. The permitted heavy goods vehicles movements to the site are 20 per day Monday to Friday and 10 on Saturdays. The average number entering the site per day in any calendar month should not exceed 12. It is not proposed to alter the vehicle movements from those currently permitted.

### **Consultations and views received**

- 20 Teesdale District Council had no objections to the scheme as originally proposed but has not commented on the revisions.
- 21 Teesdale District Council Environmental Health Officer has not commented on the application.
- 22 Stainton and Streatlam Parish Council did not support the application as originally submitted and formally recommends refusal of the amended application on the following grounds:
  - The application, as currently framed, offers no improvement in environmental conditions for residents of the village of Stainton and surrounding environs particularly in view of the amendment now proposed which deletes the proposal for a new access road from the west of the village. This proposed road would have removed HGV vehicles from the village.
  - The proposed extended workings to the north and north west of the site would seriously affect visual amenity.
  - The current conditions, largely imposed as a result of the Section 106 agreement of 1998, offer residents a degree of protection from further expansion and lay down specific requirements for the production and lodging of restoration plans by the Company. The new application offers no significant advantages to residents. It is the belief of the Parish Council that the County Council should seek

to enforce the conditions contained within current agreements, particularly with regards to the production of a restoration plan by the Company.

- Planning permission should not be granted in view of the on going uncertainty regarding the operation of the quarry. The current lessees, Stancliffe Stone, have indicated their intention to cease operations at the quarry at the end of June 2008 and transfer operations to quarries in Lincolnshire, Northumberland and Scotland based at quarries from which stone is currently transported by road to Stainton for processing. This will leave the current site with the capacity to deal with reconstituted stone in the short term and Ennstone were unable to indicate how they as owners of the quarry and future operations will proceed after the end of June.
- In short, the County Council is requested to refuse the application and to require the applicants to comply with the existing planning permissions and Section 106 agreements.

*Comment: The relevant planning issues are considered in this report. A new Section 106 agreement would be entered into if planning permission is granted (refer to paragraphs 100 - 103).*

- 23 Marwood Parish Council (consulted as neighbouring Parish) made a number of observations on the application as originally submitted relating to the proposed traffic route and dust arising from the proposed operations. In respect of the amended scheme no formal objections are raised as it now appears Marwood Parish may be less adversely affected by these proposed amendments in terms of vehicle routing and access arrangements. In the event of these current proposals being approved, Members of the Parish Council hope suitable conditions will be applied in terms of dust suppression during earthworks and associated landscaping.

*Comment: Conditions to control the environmental impacts of the proposed development would be imposed should planning permission be granted.*

- 24 Barnard Castle Town Council (consulted as neighbouring Town Council) has stated that because the quarry is in a neighbouring parish, the only issue considered by the Town Council's Planning Committee was the revised traffic route through Barnard Castle. The Town Council objected on the grounds stated below, but it should be noted that no comments have been received in respect of the amended scheme.

- The increased danger to those using traditional pedestrian routes to and from the schools in Barnard Castle, the lack of school crossing patrols (particularly on Harmire Road) and the affect increased traffic congestion will have on the Safer Routes to Schools programme;
- The difficulties for large vehicles turning at specific junctions on the route, particularly to and from Bede Road; and
- The resultant conflict with the green footprint concept, with a journey of 0.5 miles being replaced by a journey of a substantially increased mileage.

*Comment: The amended scheme addresses concerns relating to traffic as the existing access would continue to be used.*

- 25 The North East Assembly has made a number of comments regarding the proposal.
- The principle of improving the efficiency of an existing minerals extraction facility is supported, and considered to be in general conformity with the objectives of RPG1 Policy DP2 and submission draft Regional Spatial Strategy (RSS).
  - Given the locational constraints relating to the nature of the proposed development, and that it represents an extension and consolidation of an existing operation, development in this location is considered to be in general conformity with the objectives of RPG1 Policies DP1 and DP2, and submission draft RSS Policies 2 and 3.
  - Subject to local authority satisfaction that the criteria listed in RPG1 Policies MIN4 and MIN6, and submission draft RSS Policy 43 are adequately addressed and justified as appropriate, the proposal is considered to be in general conformity with RPG1 Policy MIN4 and MIN6 and submission draft RSS Policy 43.
  - It is proposed that access for HGVs and cars will be separated, and that HGVs will be diverted from the village. This approach is in accordance with RPG1 Policy T1.
- Comment: The comments regarding the access arrangements are no longer applicable.*
- 26 The Environment Agency (EA) has no objections to the proposal but requests that a condition be included on any permission requiring that no development be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The Agency also recommends that site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. The EA has confirmed that a waste management licence would not be required for the depositing of the waste material.
- 27 The EA has confirmed that the amendments do not alter the above comments and it has nothing further to add.
- 28 Natural England advises that the proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to mitigation. Two conditions relating to mitigation are proposed. Natural England has no objection in terms of its landscape, access and recreation remit and considers that the scheme will not have significant cumulative visual effects on local features of interest.
- 29 In representing Defra's statutory remit, Natural England does not object to the application, but recommends that any planning permission be made subject to appropriate conditions to safeguard soil resources and agricultural interests. (A schedule of recommended conditions was provided). It is noted that the financial provision for reclamation of the site does not appear to have been addressed in the application and refers to problems in the Region where site operators have transferred responsibility for reclamation to previous or new landowners, who are reluctant to adhere to the aftercare requirements and would not be covered by any industry guarantee fund.

- 30 Natural England's views have not altered in light of the amended scheme.
- 31 Durham Wildlife Trust has not commented.
- 32 County Durham Badger Group (CDBG) states that it has no recorded setts in the County records within or adjacent to the site, although it believes that there are protected species in the general area around Stainton. CDBG accepts the ecologist's report therefore that there are no signs of badger activity on the site, and on that basis the Group does not raise any objections to the proposal,
- 33 Butterfly Conservation notes that the ecological assessment does not include any reference to a Lepidoptera survey, so it is difficult to comment in detail. It nevertheless confirms that it has no records of any UK BAP or LBAP species in the area and the descriptions of the habitats suggest that there are unlikely to be anything other than common species present or threatened by this development. It is noted that the restoration proposals would allow natural recolonisation to occur and Butterfly Conservation welcomes this.
- 34 The Durham Bat Group (DBG) has not commented.

### **Representations from members of the public**

- 35 The original proposals were displayed at two public exhibitions held by the applicant prior to formal submission. The application has been advertised and re-advertised (due to the amendments submitted in February 2008) on site and in the press as part of the statutory planning process and neighbour notification letters were sent to residential properties close to the site. Seven representations were received in response to the original scheme. Three of these are objections and four offer comments. One individual also made a corporate complaint to the Council regarding the public notice published for the application. This matter has been dealt with separately and has not been pursued by the complainant. Issues raised by objectors are as follows:
- i) Disappointment that neighbour notification letters were addressed to 'the occupier' and that the period for responding on the planning application is inadequate. This shows the lack of care and understanding that the Council has for residents.
  - ii) The application does not appear to be good environmental practice; the land will be dug up for the waste stone to be buried which will damage the natural drainage causing flooding in an area that has seen flooding in the past. The landscape should be protected.
  - iii) The proposal is not in the public interest as it will not only affect Stainton village but residents of Barnard Castle as they will be subjected to an increase in lorry movement and associated noise and dust. The size of these lorries will cause damage to roads, and their verges. Spillages will occur and an increase in dust, nitrogen oxide, carbon dioxide, carbon monoxide, benzene and vibration will be inevitable.



- iv) The area outlined for development is on an open exposed site and the potential increase in dust and noise is very concerning. Apart from extra need for cleaning in and out of the house and abrasion to cars and paintworks there are health risks from dust. It is a well known fact that some of the smaller dust particles have the potential to cause ill effects on human health and Stainton village is known to be a windy area.
- v) There will no doubt be an increase in noise levels. Concerns are expressed about the hay bales to reduce the noise impact but there are bales around the site now and these have little impact on noise, it all depends on which way the wind is blowing.
- vi) Residents have the right to enjoy tranquillity and there is concern that a bedroom window faces onto the proposed extension area which would cause sleep disturbance when on night duty. The possible adverse effects on a nearby horse business are also cited.
- vii) Only a couple of local people work in the quarry, the rest of the work force travel in from outside of the area. Residents do not believe local employment is a good enough reason for expanding the quarry and those that travel from outside of the area could be relocated to other sites.
- viii) House prices will suffer as a result of the proposed extension.
- ix) Over the years the quarry has regularly flouted planning permissions and has had regular visits from the Enforcement Officer following complaints from residents. Examples include noise emitted from the manufacturing plant and crusher and doors being left open when they should be closed. The quarry has made no attempt to help residents at the west of the village with regard to eliminating noise from the crusher and the diesel generators which are very close to some of the houses.
- x) The Authority is urged to refuse the application on the basis that although it appears to facilitate early closure of the quarry, it is a smoke screen to extend manufacturing and processing work including material brought in from outside the quarry.
- xi) Doubts are raised as to the reliability of the submission in that distances from dwellings and the affect on landscape does not appear to take into account the impact of the new access road in terms of noise and dust on dwellings which are nearer to the development than that described in the report.
- xii) The proposals include the extension of buildings to cope with the extra business which the quarry will have. This will mean extra noise and extra staff using the present village entrance/exit.
- xiii) The soil heaps which it is proposed will be lowered and spread on land to the west of the village originate from Ennstone quarries all over the North East. The legitimacy of using Stainton village as a dump for the waste from other areas is questioned.
- xiv) Ennstone is proposing a long term project which will affect the lives of the residents of Stainton village for many years to come. Quarry workings so near to a residential area would not be allowed today so why is it thought suitable for such expansion.

xv) It could be presumed from the way the development has been advertised that the application proposes an extension of the Stainton quarry for the extraction of stone. Durham County Council and the applicant are well aware that this is not the case because of the geological structure west of the site. The major planning element is for a 'change of use'. In particular the conversion of 9.8 ha of productive agricultural land to a mineral waste disposal site.

36 Concerns were also raised by members of the public regarding the proposed new access and traffic route through Barnard Castle and the impact upon residential amenity. As a new access and route is no longer part of the application those concerns are not now relevant, however copies of all representations that have been received are available for inspection in the Members Resource Centre.

37 In response to the amended proposals four letters of objection and two letters offering comments have been received from residents of Stainton village. Some were received following publication of the April 2008 Committee report and cross reference to that report. The issues raised are:

- i) The principal selling point of the original application as detailed both in the supportive statements and the Company's presentations to the Parish Council and the community, was the environmental benefits to village residents which would accrue as a result of the new access road to be constructed to the west of the village. This proposal has now been withdrawn.
- ii) The proposed new access would have resulted in HGVs accessing the quarry without coming through the village.
- iii) The proposed increases in vehicle movements will result in further inconvenience for village residents and increase the risk of damage to property and the risk of a serious road traffic accident as a result of a heavily loaded [40 tonnes plus] HGVs using a road which is wholly unsuitable for such traffic.
- iv) The current conditions imposed by the Section 106 agreement signed as recently as 1998 by the Company offer the village some elements of protection from further expansion and over usage by the operators. These would be lost in the proposed consolidation arrangements as detailed in the application. The new application does not offer significant advantages to residents, and it would cause damage to residents who are currently not too affected by the existing workings. The interests of the residents of Stainton with regard to putting an end to future uncertainties would be much better served by enforcement of existing planning conditions and legal agreements.
- v) The extension of the quarrying operations to the north/north west of the quarry allegedly for purpose of reinstatement of the environment via disposal of excess mineral waste would be detrimental to the visual environment as viewed from the western approaches to the village.
- vi) Concerns regarding weed control at the site both when the site closes in June 2008 and following final restoration.
- vii) It is welcomed that the realistic and justified concerns and reservations are set out in the report (paragraphs 110 and 111) and the lack of ability and commitment of the applicant to the working and restoration of the site and track record of non-compliance.

- viii) The existing planning permission provides timescales for the removal of plant and equipment from the site and its restoration. Under the terms of the current planning permission the quarry could be restored much earlier than 2021 given that current site operator is to close the site in June 2008 and that the importation of stone is limited to 50% of what is on site. The current proposal would allow the applicant a further 13 years to postpone implementing its legal duty to produce and carry out a restoration plan for the site. Had the County Council taken positive enforcement action over the years then the present situation would not have evolved.
- ix) Concerns are raised that if planning permission is granted the applicant may attract a new purchaser or lessee and transfer the responsibility of the site to a new operator.
- x) In the past the Council has worked to protect jobs at the site. There are no longer jobs to protect and the creation of future jobs are only likely to be during restoration works.
- xi) It is time for the Council to take into account the interests of the residents of Stainton who have had to live with the noise, dust and traffic at a site closer to residential properties than would be permitted today. Villagers do not want the countryside being permanently spoilt by a quarry waste tip and do not want 13 more years of quarry traffic past their doors.
- xii) The Council should not agree to the application on the part of an unreliable applicant and should enforce the current consents.
- xiii) The impact on tourism has also been raised given that the property of one objector is marketed as a holiday let and he has concerns regarding the impact on his business.
- xiv) Concerns are raised regarding the impacts of the proposed development upon properties at 55 and 54 Stainton Village and on a neighbouring estate and that the application does not contain an accurate representation of the whole of the affected area and the most affected property and that further assessments should be required. Specific mention is made to the visual impacts of the development on No. 55 Stainton Village, the risks to that property and that the occupier has not had sufficient time to take proper legal/professional advice regarding the application.
- xv) Queries are raised as to whether or not the site can be regarded as a quarry given the activities that take place on site and those proposed and it is questioned whether the activities are manufacturing based and should be under the jurisdiction of Teesdale District Council rather than the County Council.
- xvi) Queries are raised about the discarded reserves of block stone that are to be recovered and whether these can be used given that they were previously discarded and may now be damaged.
- xvii) There is concern regarding the proposed duration of operations and who would be around to implement the aftercare period.
- xviii) The Committee report contains unsupported data from the applicant about reserves at the site. There are no reserves suitable for processing a dimensional stone within the site given that a reserve is that part of a resource which can be worked profitably.

- xix) The viable reserves claimed by the applicant and referred to in paragraph 16 of the report are simply ridiculous and that quarrying in the northern and western parts of the quarry in the past ceased due to adverse geological conditions. The application has more to do with the applicant trying to delay the restoration of the site.
- xx) There are concerns that a determination of this application could be prejudiced by the false claims made by the applicant about reserves, and the Council is asked to delay the determination for a full independent geological assessment.

### **Policy considerations**

- 38 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.
- 39 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. It is a key material planning consideration that recognises the important role that small quarries can play in providing historically authentic building materials in the conservation and repair of historic and cultural buildings and structures. The practice guide that accompanies MPS1 recognises that several small building stone quarries may serve a single processing works often located at one of the quarries and while traffic from any one quarry may be limited there may be transportation issues associated with the processing works.
- 40 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**

- 41 The County Durham Minerals Local Plan (MLP) was adopted in 2000 following extensive 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.
- 42 Although the proposed extension is for the deposit of mineral waste there are a number of MLP policies relevant to the proposed development. MLP Policy M1 (Landbanks) proposes a landbank of at least 10 years for dimension stone. MLP Policy M3 (Extensions) indicates that, extensions to existing mineral workings, other than for opencast coal and fireclay will be permitted provided that they meet certain criteria. Policy M4 (Waste and recycled materials) encourages and supports the use of recycled and waste materials by permitting the extraction of material from mineral waste deposits where this can be achieved consistent with environmental protection objectives.

- 43 The application site lies within an Area of High Landscape Value as designated in the Teesdale District Local Plan (Policy ENV3). MLP Policy M23 (Areas of High Landscape Value) requires that proposals for mineral working in Areas of High Landscape Value should be given the most careful consideration and will only be allowed under certain circumstances.
- 44 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. Policy M29 (Conservation of nature conservation value) relates to minerals development affecting local conservation interest and the need for proposals to incorporate appropriate measures to ensure any adverse impact on nature conservation interest is minimised.
- 45 Policy M31 (Archaeology) relates to archaeology and the need for archaeological field evaluation prior to determination where there is reason to believe that important archaeological remains may exist. 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. There are no public rights of way that would be affected by the proposed development.
- 46 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.
- 47 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 after use 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.
- 48 Policy M50 (On site processing) states that minerals processing and manufacturing plant can be permitted within the boundaries of mineral extraction sites provided that, in the case of manufacturing plant, the greater part of the mineral to be used in the manufacturing process will be extracted from the associated mineral working site. The policy intends that the manufacturing process should remain ancillary to the primary use of a quarry for mineral extraction.
- 49 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.

- 50 The proposed development generally accords with MLP policies referred to above but there are some concerns regarding compliance with Policies M1 and M52 that are set out in this report.

### **Change in site operator**

- 51 On 25 June 2007 Ennstone, the applicant, sold part of its interest in the north of England to Marshalls plc who operate under the name of Stancliffe Stone Company. Marshalls purchased several northern quarries to meet a gap in their current distribution of sites and the sale included the quarries in Northumberland and Cumbria that export stone to Stainton Quarry for cutting and dressing. Stainton Quarry remains wholly within Ennstone's ownership, operations at the Quarry were passed to Marshalls including the importation of stone from the 'Northern Quarries' and the production of reconstituted stone products. According to the applicant the change had no consequences for the current proposals as Marshalls was required under the terms of the lease to operate the site in accordance with the prevailing planning permissions. However, in February 2008 Marshalls announced that it was not renewing the lease and would cease operations at the site in June and transfer its operations including plant and equipment used for the cutting and dressing of stone to other locations. Only the cement mixing plant used in the production reconstituted stone products would be retained.
- 52 The applicant's initial response to the decision by Marshalls to transfer its operations away from Stainton Quarry was that the site remains a company asset that will continue to be the subject of a valid permission for minerals operations. The decision by Marshalls would not alter this position, and would not affect the current planning application in any way. The application seeks to establish a consolidated permission for the site which provides for an orderly programme of working and restoration during its remaining life.
- 53 Despite this assertion, there is some planning concern that the development as described could not be fully implemented given that the importation from the northern quarries will not now take place and the role of the site as a hub centre in this respect has ceased. Although it is appreciated that stone could be imported from other sites and new plant and machinery could be brought to Stainton the future position is unclear at this stage and Marshalls exit from the site does raise issues about the long term viability and sustainability of import based operations.
- 54 In response to these concerns the applicant stated that the future viability of the quarry is a commercial consideration, and one on which the Council is unable to make any assessment. Ennstone acknowledged that imports to the site from the quarries previously operated by Ennstone would no longer take place, but as much of the past discussion surrounding the activities at the quarry has been on the topic of restricting imports so that they do not become the primary source of raw materials this was not considered to be an obvious issue of concern.

- 55 When Marshalls formally terminate the lease for the site (which is understood to extend to November 2008) the responsibility for the future operations would revert to Ennstone. In anticipation of this event the applicant is reviewing its options to provide for the extraction and processing of the remaining minerals reserves to secure the maximum amount of sandstone from the site. The application does not propose any additional excavation of minerals beyond that which is currently consented and the primary purpose of the application remains to consolidate the existing permissions and establish an overall framework for all future operations at the site culminating in its restoration after the cessation of mineral extraction. The major aspects of the proposals are already consented and the application sets out how the remaining reserves would be worked in a phased manner with progressive restoration of the working areas. As part of the comprehensive proposals the applicant has also signalled its willingness to complete the development of the quarry by the end of 2021. Since the current consent extends to 31 December 2042 this is regarded as a planning benefit of the comprehensive scheme.
- 56 The impending changes in respect of the operation and management of the quarry do not alter, in the applicant's view, the question of how the future minerals extraction at the quarry is to take place. Consequently, it is contended that the package of proposals contained in the application remain relevant. Further, the rejection of the application will not provide a solution in the interests of all concerned. Indeed it would create yet further uncertainty as the issue would then need to be addressed in the context of conditions of the existing consent.

### **Current operational position**

- 57 There have been several onsite changes to operating conditions since the application was reported to the Planning Committee in April 2008. Marshalls vacated the site on 16 May 2008 and only 3 members of staff remain on site to deal with site management and sales of stockpiled materials. All plant and machinery associated with stone processing has been removed with the exception of jibs and cranes within the cutting sheds. Various machinery and plant associated with the cement production remain, as do all buildings.
- 58 Under an agreement between Marshalls and Ennstone there are apparently commercial restrictions that prevent either Ennstone or any other party undertaking prescribed activities at the quarry for a limited period after the site has been vacated. This period is believed to be only a matter of months and in the meantime Ennstone has been approached by two other operators interested in working the site, but are unable to disclose who the parties are at this stage.
- 59 Because of current circumstances Ennstone consider that it is too early to provide details about the precise nature of future operations at the site. However, it is reiterated that no material changes to the submitted scheme are envisaged, and the situation should not delay the planning process. The Company believes that this provides a comprehensive package of proposals to cover the remaining life of the quarry and address long outstanding issues associated with earlier applications.

## **Landbank, reserves and sterilisation**

- 60 Sandstone working for use as building stone remains a significant local industry in Teesdale and there are a number of small quarries producing stone that differs in quality and character. Although there is a theoretically large landbank of permitted reserves for dimension stone in the County, other considerations have to be taken into account when determining applications such as this. The applicant claims there is a continuing demand for stone processed at the quarry in specialist building and restoration work and that the proposals would help retain expertise and employment within this field. Although reserves of Stainton stone are low and there are queries over future imports, national objectives include the need to ensure, so far as practicable, the prudent, efficient and sustainable use of minerals and recycling of suitable materials. As planning permission already exists to extract mineral from the site regardless of whether or not planning permission is granted for the current proposal Policy M1 is not considered to be of relevance to determination of this application.
- 61 For a number of years local residents have questioned the existence of reserves of Stainton stone and Council officers are aware that the quarrying of new stone has not taken place at the site for some time. Whilst the estimates of reserves at the site appear to be optimistic the proposals to rework the existing heaps and extract the remaining stone would prevent sterilisation and allow the sustainable use of stone previously discarded as waste and now considered useable due to changes in technology and market. However, the proposal would also result in the permanent deposit of waste stone that could be used for other purposes.
- 62 The issue of whether or not the site is a quarry or not has been raised many times in the past and the Council has been satisfied that the site is still a quarry as stone was still being extracted from the site and still is given that stone is still capable of being extracted at the site. In terms of reserves the Company has submitted a geological report which has been assessed by County Council officers; and it is considered that there are some reserves remaining. If this application is refused then permission still exists for mineral extraction until 2042 (refer to paragraph 101) regardless of the amount of remaining reserves.

## **The site as a hub centre and reconstituted stone operation**

- 63 The site has been developed over recent years as a hub centre that imports and processes stone of different properties from a number of quarries in Northumberland (Doddington, Darney and Blaxters (High Nick) Quarries) and in Cumbria (Bank End (St Bees) and Talkin Fell Quarries). These quarries do not have cutting and dressing facilities and some material is transported to Stainton Quarry by road.



- 64 The County Council as well as previously permitting the importation of stone and its cutting and dressing has permitted the production of reconstituted stone blocks from waste Stainton stone. However, it would appear that the importation of stone and the use of the site as a hub centre has become the primary use of the site due to operational constraints and lack of unquarried stone at the site. The production of reconstituted stone blocks was originally permitted in 1999 and was seen as the positive use of waste stone that would otherwise be added to the already large waste heap on the site.
- 65 Given changes in ownership and lessee arrangements that will lead to the loss of feeder quarries and the necessary plant and equipment the role of Stainton Quarry as a hub centre appears to have gone and the future for the production of reconstituted stone blocks is unclear. Whilst alternative markets and new plant and equipment could be found this has not been evidenced.

#### Residential amenity

- 66 Stainton Quarry lies on the north side of Stainton village with the processing buildings and reception area separated from the rear gardens of properties in Hesley Rise by a planted permanent mound. There are no restrictions on working minerals within the existing quarry and current activities include the reworking of the North Tip. The extension of the western part of the quarry would be in a westerly direction away from the village.
- 67 To the south of the existing quarry the gardens of properties at Hesley Rise back onto the site boundary. The actual properties are 20m from the site boundary and some 250m from the proposed extension area. To the west the nearest residential properties to the extension area are New Broomielaw Farm, approximately 500m. The site boundary is some 40m from the house at Sunningdale, to the south of the C43 but actual operations would take place some 180m from the property. The site boundary is approximately 120m from 54 (Dale View Stables) and 55 Stainton Village on the north side of the C43. Stainton Hill Farm lies 15m to the east of the existing quarry and 330m from the extension area.

#### Noise

- 68 The applicant has carried out a noise assessment the results of which are contained in the Environmental Statement. These indicate that the noise impact resulting from the proposals would generally be within the thresholds set by national guidance. The assessment considers that the impact would be at its greatest during the early stages of the operation but would reduce quite rapidly once screening has been put in place and the first phase of the new landform is achieved. The noise evaluation demonstrates that the impact of the proposed extension upon public amenity during initial stages of the development can be mitigated.

- 69 Having reviewed the volume of waste required for each phase it is now proposed that working within the extension area would not exceed 8 weeks in any one year and noise levels would not be greater than those specified for temporary operations in Government guidance in MPS2, these being 70dB(A)Leq. The operations that would be subject to the normal levels would be operations within the existing quarry. It is proposed that the level for these operations at Hesley Rise would be 50dB(A)Leq but 55dB(A)Leq for the other identified residential properties further away. The level currently permitted is 55dB(A)Leq during 0700 – 2200 hours and 42dB(A)Leq between 2200 – 0700 hours. Should planning permission be granted the proposed noise limits and a noise monitoring scheme could be secured by condition. Existing conditions are covered by conditions that are monitored and this process would continue in respect to any new development.

#### Dust

- 70 The ES has assessed the potential impact of dust from the development and highlights the activities that that may generate dust (material excavation and placement, haulage of material and use of the access road) and proposed dust control measures. The prevailing winds are from the south west. The assessment concludes that a decrease in total air quality is unlikely and that would be limited and minimised by the implementation of dust control recommendations.
- 71 Should planning permission be granted then conditions relating to the control of dust at the site would be imposed. The monitoring of dust levels by the operator would also be secured and a dust action plan required. Compliance with planning conditions would be monitored.

#### Visual impact

- 72 Despite its location on the northern side of the village, and the established nature of operations, the whole of the Stainton Quarry site is shown as lying within the countryside as defined in the Teesdale District Local Plan. The site lies in the Upland Fringe landscapes of the Dales Fringe north of Barnard Castle as defined in the County Durham Landscape Strategy and within an Area of High Landscape Value (AHLV).
- 73 The existing quarry is visually fairly well contained, although its waste tips are visible in some views of the area, including short sections of the A688 to the east and the C42 to the west. Existing buildings and machinery are located on the quarry floor and are not generally visible. The roof of the building housing the crusher is slightly higher than the surrounding landform and visible on the western approach to Stainton village on the C43, but it is not particularly obtrusive. In views from the west operations are screened in part by woodland which is being progressively removed by permitted quarrying activities.

- 74 The proposed extension area is visually more open and can be seen from a number of view points, although some views are obscured by intervening vegetation. The height of the land rises from approximately 199m AOD in the south to 213m AOD in the northwest and eastern parts of the site. The land is currently separated from the existing quarry by a coniferous plantation that is to be removed under the existing planning permission for quarrying purposes. However, it is proposed to retain a 10m belt of trees along the south western corner of the existing quarry.
- 75 Some elements of the proposal and particularly the tipping of stone wastes, temporary soil storage mounds, soil placement and vehicle movements would be visually intrusive. However, the development would not be particularly prominent in the wider landscape due to the screening effects of topography and vegetation. In most views from the surrounding area visually intrusive features would be small elements in the view, and some would be temporary or episodic in nature. The height of the proposed permanent mound would vary across the site, the maximum height upon restoration being around 10m above existing ground levels. It would not be fully constructed until 2021 and has been designed to limit the area of bare earth that would be visible at any one time. The proposed temporary soil storage mounds would be located in the west on some of the higher parts of the site. Their visual impact could be reduced if the longer term elements of soil storage (those mounds retained until final restoration) were located on lower ground within the site, and shorter term elements (those used in the restoration of Phase 1a) were located to the north of the tipping area. Should planning permission be granted agreement on the detailed location of soil storage mounds for different phases could be required through condition.
- 76 The more significant adverse impacts would be restricted to a small number of viewpoints in the immediate vicinity of the site including intermittent views from the C43 south of the site, and views from residential properties in the west of Stainton village. Impacts on these properties would be highest in Phase 1 during the creation of the southern part of the landform and until such time as the tipped areas were 'greened up'. The impacts would progressively reduce thereafter as tree planting became established on the outer flanks of the mound and further tipping operations are concealed behind it. The quality of the view from these properties would be diminished in varying degrees during the operation of the site, but in the long term, post-restoration, views would be reasonably attractive.
- 77 The impact of the proposals on existing landscape features in the extension area would be limited to the removal of a single mature tree and some scattered hawthorn bushes on an old relic field boundary. The proposed permanent landform would have notably steeper slopes than are characteristic of the site and its surroundings but would otherwise be fairly naturalistic. In the existing quarry the proposals would entail the removal of an area of mixed woodland (permitted by the existing planning consent) and the re-grading of recent and poorly vegetated heaps.

- 78 In the long term the site would be restored to a landform of relatively naturalistic appearance, if not entirely in keeping with its surroundings. This would be largely masked by woodland planting which would help to assimilate it. The combination of increased native woodland cover, renovation of field boundaries and slight artificiality in the landform is such that the long term impact on the character of the landscape would be low or neutral overall.
- 79 The site lies around 4.5 km east of the North Pennines Area of Outstanding Natural Beauty (AONB). Some elements of the proposals would be visible in views out from the AONB but they would be barely perceptible and would not have an impact on its special qualities. As noted above there would be localised adverse impacts on the character of the landscape during the operation of the site and a low or neutral impact in the long term. The site lies close to Streatlam Park which, although not on the English Heritage Register of Parks and Gardens of Special Historic Interest, is of local historical interest and landscape value. The proposals would not generally be visible from the Park, being largely screened by topography and woodland. Any visually intrusive elements visible from the Park would be small and temporary and would not have a significant impact on its character or quality.

#### Restoration

- 80 The permanent raised landform would take the form of a single mound. Construction would commence from the south using larger size material for the base and a graded profile of finer grade material. The surface of the mound would be progressively spread with soils and soil-making materials, seeded, and planted with native trees and shrubs. The outer flanks of the mound would be created first to help screen subsequent operations in views from the most sensitive receptors. The extension area would be restored to a mixture of pasture and native broadleaved woodland that would be in keeping with the character of the locality. The flanks of the new mound would be planted as woodland, with lower scrub planting on the top to reduce its perceived height. Pastures and planting of the restored landform would occur as soon as possible within each development phase and would be bounded by hedgerows planted at the outset of the development. The existing quarry would be restored as an open void and allowed to re-vegetate naturally. No specific proposals have been proposed at this stage but it should be possible to create varied conditions on a range of substrates in the quarry to maximise the diversity of habitats that might develop there. As the tipped area in the south-eastern corner of the existing quarry has naturally re-vegetated it is not proposed to rework or otherwise disturb that area.
- 81 The nature conservation value of the quarry void would depend in part on how it was managed in future. In circumstances like this a legal agreement is often used to prevent activities that would prejudice the evolving nature conservation value of the quarry. The restored site has some potential to develop into an asset for local communities as a local wildlife site but the applicant does not intend to make any provision for future public access.

82 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 with their applications 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. MLP Policy M52 also deals with this issue. Ennstone is a member of the Quarry Products Association and claims that it can draw on the industry guarantee fund if called upon. However, it is no longer undertaking operations. No assurances can be given at this stage as to what would happen if the ownership of the site changed or whether new operators would be able to draw upon any industry guarantee fund.

#### Nature Conservation

- 83 There are no sites of national or international nature conservation importance in the vicinity of the application site. Bluestone Grange Railway County Wildlife site lies approximately 1km to west. Ancient woodland lies some 500m to the north.
- 84 The proposed extension area is agricultural pasture land and a small conifer woodland to the north east just outside of the application site contains two small ponds. Ecological surveys have been completed and no protected species or species of nature conservation importance were identified. Natural England advises that the proposal is unlikely to have an adverse affect in respect of protected species subject to mitigation. A broadleaved woodland within the permitted planning permission area would be removed save for a 10m margin resulting in a loss of ground flora and fauna. Although no direct impacts on bats have been identified there is a risk that they may occupy trees to be felled and may use the woodland around the site as a foraging corridor. It is proposed that felling take place at the appropriate time of year and additional planting is proposed to compensate for the loss in the long term. In addition there would be opportunities for ecological enhancement in site restoration.
- 85 The proposals would have low impact on the ecology of the area except for the loss of the deciduous woodland and associated ground flora including bluebell. It would be beneficial in biodiversity terms not to lose this habitat, although planning permission already exists for its removal. As a compromise the applicant has agreed that the ground flora could be translocated from the existing areas of woodland as a requirement of any planning permission. Suitable mitigation and protective measures for bats and birds outlined in the ES could also be secured through planning condition. The restoration of the existing quarry in a manner that allows natural regeneration is welcomed in terms of its nature conservation value.

## Hydrology

- 86 There are no watercourses close to the site. According to the applicant the current quarry workings are free draining and there is no requirement to discharge water off site. Surface water would be channelled into a collection pond excavated through the clay strata into the underlying sandstone.
- 87 A borehole is situated within the existing quarry and water is extracted from here to cool saw blades used to cut rock. The majority of this water is re-circulated. The hydrological assessment contained in the ES concludes that the adoption of proposed drainage measures will ensure that all site water is managed within the site boundary. There are not considered to be any significant waste related impacts associated with the proposals and sustainable water management would be possible at all stages of site development. Precise details of the drainage arrangements would be covered by condition, as required by the Environment Agency.
- 88 Notwithstanding the above it would appear that quarrying may take place below the groundwater level in certain parts of the site. The applicant's hydrogeological consultant is nevertheless satisfied that there will not be an impact upon the local groundwater regime resulting from the extraction of basal sandstone to a level of 212m AOD. The views of the Environment Agency are contained in paragraphs 26 and 27.
- 89 No adverse impacts on surface or ground water have been identified at this stage which cannot be controlled through mitigation measures and conditions.

## Archaeology

- 90 The ES includes a full archaeological assessment and the Director of Adult and Community Services is satisfied with the areas covered. There are no Scheduled Ancient Monuments affected by the proposal. Listed buildings exist at Broomielaw some 540m to the west and at West Farm, a former farmhouse, some 140m to the south of the site and the road C43. No prehistoric or Roman sites have been identified but a number of Iron Age and Roman native settlements are recorded in the district. Upstanding ridge and furrow earthworks are located within the proposed extension area and would be lost if planning permission was granted. Further investigation work would be required prior to the commencement of the development if planning permission were granted. This could be secured through condition.
- 91 Both the assessment and geophysical survey carried out indicate that the potential for significant archaeological remains to be disturbed by the proposed extension is low to medium. However, prior to the development commencing the Director of Adult and Community Services recommends that a negative planning condition is imposed in order to ascertain the exact nature of anomalies indicated by the geophysical survey. This would require further archaeological evaluation (trial trenching) to be carried out prior to any groundworks starting, and further mitigation if necessary (including publication of results if warranted).

## Recreational amenity

- 92 Footpath No. 16 Stainton and Streatlam Parish lies along the eastern boundary of the existing quarry and is not directly affected by proposed or existing quarrying operations. In the past there have been reports of stone falling onto the footpath from the waste heaps at the quarry but no problems have been reported since 2005 when the heaps adjacent to the footpath were regraded.

## Agricultural quality

- 93 The proposed extension area is currently in agricultural use and a site survey has identified that the land is Grade 3b (agricultural land classification). Soils would be stripped and stored on site or spread directly on the landform to be created in the extension area. All soils would be used for restoration purposes. Conditions can be imposed controlling the handling and storage of soils if development takes place. Undisturbed land in the extension area would be available for sheep grazing and upon restoration the site would be seeded with conservation grassland or agricultural hay mix and returned to pasture where appropriate. The comments of Natural England in terms of soils and agriculture are contained in paragraph 29.

## Access and traffic considerations

- 94 Vehicular access to and from Stainton Quarry has been a matter of concern to local residents for a number of years due to the restricted nature of the road through Stainton village. This planning application originally attempted to relieve the pressure of HGV traffic by re-routing this away from the village and through Barnard Castle. An increase in the amount of HGV traffic was also proposed. The ES includes a traffic impact assessment and transport sustainability review that favours the traffic route through Barnard Castle.
- 95 In considering the traffic implications of the scheme the Head of Highway Management Services acknowledges the current difficulties within Stainton village but believes that the short distance involved, low traffic volumes and the low vehicle speeds within the village limit the adverse effects. The impacts on residents and road users are considered to be much greater using a route through Barnard Castle and he therefore objected to this alternative route.
- 96 As a response to his objection it is now intended to continue to use the current vehicular access to the quarry taken from road C43 in Stainton village, adjacent to Hesley Rise. It is no longer proposed to alter the vehicle movements from those currently permitted (20 per day Monday to Friday and 10 on Saturdays; the average number entering the site per day in any calendar month should not exceed 12). The Head of Highway Management Services has no objection to the proposal as amended.

- 97 An HGV management plan is proposed covering the sheeting of vehicles, a code of conduct to minimise anti-social driving and disciplinary procedures which could result in disqualification from access to the quarry. Planning conditions covering highway related issues could also be imposed. The current site operator undertakes the monitoring of vehicle movements and the results are made available to the Council and members of the site liaison committee. Recent results have shown that the numbers are within the permitted levels and in the short term these may decrease due to the cessation of imports from the northern quarries.

### **Employment**

- 98 The application originally indicated that 48 people were employed at the site. This has now been reduced to 3 people and all other jobs have been lost. Ennstone has given no prediction as to the number of people to be employed on the site in the future as this would largely depend on any new operator.

### **Alternatives**

- 99 The current proposals have emerged as a response to economic and environmental issues facing the quarry. Alternative options have been considered and dismissed and given the change in operational circumstances these are of less relevance. The alternatives that were considered when the application was submitted include: deepening the existing quarry; mineral extraction on adjacent land; the relocation of the hub centre to one of the satellite quarries (namely High Nick near Otterburn in Northumberland) and the relocation of the hub centre to an industrial estate. A combination of space requirements, raw material, needs and costs, and amenity and traffic considerations rendered these unviable from the Company's perspective.

### **Legal agreements and planning conditions**

- 100 The applicant proposes a legal agreement covering: lorry routeing; the production of an annual report detailing the quantities of stone extracted, processed and exported from the site and the material imported from elsewhere. It is also intended that no more than half of the total stone processed on site in any four year period should be made up of imported stone. A requirement to restore the site by 31 December 2021 would also be included in any agreement. In addition all extant planning permissions would be rendered inoperative if the development proceeds and all operations would take place under a single planning permission.
- 101 The above terms are similar to those proposed in the 2005 legal agreement that was not eventually signed. The change regarding the amount of imported stone takes account of operations at the site and it is believed that the agreement should acknowledge the use of indigenous material for the manufacture of re-constituted stone products in addition to the dimensional stone. The applicant is satisfied that the site could operate on this basis where quantities of imported stone would not exceed the amount derived from Stainton Quarry.



- 102 The applicant does not consider it necessary to enter into a further Agreement under Section 39 of the Wildlife and Countryside Act to provide for the long term management of those areas to be restored to nature conservation end uses. Although such an agreement would be desirable it is not considered essential.
- 103 Conditions to control the environmental impacts of the proposed development would be imposed should planning permission be granted. In addition confirmation of the proposed method of working and restoration details could be required prior to the recommencement of operations at the site. A requirement for an alternative restoration scheme could also be covered by planning condition should no working take place at the site for a specified period, such as 12 months.

### **Balance of planning considerations**

- 104 If planning permission were granted the site should be restored by 2021 in accordance with completion dates included in a new legal agreement. The creation of a permanent mound, although not ideal, would enable remaining reserves to be worked, reducing sterilisation of a mineral resource. The situation in terms of unissued planning permissions and non-compliance issues in relation to working and restoration of the site would also be addressed and would mean that all operations would take place under a single planning permission. Implementation of the development would produce jobs and some staff that were until recently working at the site may be re-employed.
- 105 However, there are uncertainties regarding who would undertake the development and when and whether the proposed landform in the extension area could be completed. This would rely on a degree of importation and as the northern quarries are no longer in the applicant's control the waste material may not be available. The applicant has indicated that no extension of operations beyond 2021 would be needed or requested. Its track record on compliance with previously agreed undertakings is far from perfect.
- 106 If the scheme was refused, planning permission for mineral extraction would exist until 2042. The extraction period of the remaining reserves would therefore be prolonged, although present operational constraints are such that extraction is unlikely to occur on a significant scale. However, there would be uncertainty for residents as to if and when operations recommence over the life of the planning permission and questions regarding the ability and commitment to working and restoring the site.
- 107 The existing planning permission provides for a progressive restoration scheme but this has never been submitted (due to the delay in issuing the planning permissions referred to in paragraph 7 of this report and later due to the submission of the current application) and would need to be pursued. This scheme allows for further extraction although this is unlikely unless the waste heaps were moved. There is therefore a

possibility that material may be sterilised although the amount of stone that is put to productive use may be less than the applicant predicts. Periodic reviews of existing planning permission on the site would take place at least twice over the remaining life of the quarry and would provide formal opportunities to consider working and restoration over the remaining life of the quarry.

- 108 The retention of local employment and skills has previously been regarded as a significant material consideration in planning decisions at Stainton Quarry which has made a small but significant contribution to employment and to the local economy. However, the role of the site as a hub centre is now unviable in its current form. The current site operator has pulled out of the site and existing jobs have been lost regardless of the decision on this planning application.

### **Conclusions**

- 109 Stainton Quarry is a long-established minerals operation in relatively close proximity to the village. The site is subject to a range of operational constraints that the current proposal seeks to overcome. With this in mind, the Committee must consider whether it is appropriate to extend the operations taking place and the imports, albeit over a shorter time period than is currently permitted.
- 110 When the application was first submitted Ennstone had full control of operations on site and the importation of stone. The leasing of the site and subsequent pull out by Marshalls involving the loss of the northern quarries and the hub centre role pose legitimate queries over the future of the site and the ability to carry out the submitted scheme. Although the applicant may find alternative suppliers and plant and equipment and restore the site by 2021 it remains uncertain at this stage whether or not this would take place.
- 111 Whilst appreciative of the commercial and operational dilemmas now facing the Company, it remains the case that earlier attempts to regularise operations and achieve an appropriate exit strategy have not materialised in practice. Previous legal agreements and undertakings have not been signed or complied with and the ability and commitment of the applicant to carry through its proposals to completion is therefore questionable.
- 112 Notwithstanding these issues the proposed scheme raises few detailed concerns in terms of both working and restoration and new environmental impacts. The proposals have been amended and provide a means to pull together and resolve long standing issues in an acceptable way. The proposal is environmentally acceptable and does provide for the early closure of the site.

## Recommendation and Reasons

- 113 The quarry raises long standing and complex issues and the working of the site particularly over the last decade illustrates that there are no simple or easy solutions. These issues nevertheless need to be resolved. Despite some concern about the future commercial prospects for the site the proposals do present an opportunity to finish working at the site earlier than currently permitted in an environmentally acceptable way.
- 114 On the balance of planning considerations, I therefore **recommend** that planning permission be approved for the proposed consolidation of future operations at Stainton Quarry including a proposed extension for the disposal of mineral waste generated by the cutting and dressing of stone on site, subject to appropriate controlling conditions and the completion of appropriate legal agreements, for the following reasons:
- i) The proposals will enable the consolidation of existing and future operations at Stainton Quarry under one planning consent. The proposals will enable the site to be worked and restored some 20 years earlier than under the existing permission and in a sustainable manner and the particular need for and use of specialised stone and the desire to prevent sterilisation is recognised.
  - ii) 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.

## No Departure

### Background Papers

Planning application and supporting statement, plans and additional information on planning application file ref: CMA/6/32.

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<b>Contact:</b>	<b>John Byers</b>	<b>Tel: 0191 383 3408</b>
<b>Local Members:</b>	<b>Councillors Fergus and Richardson</b>	

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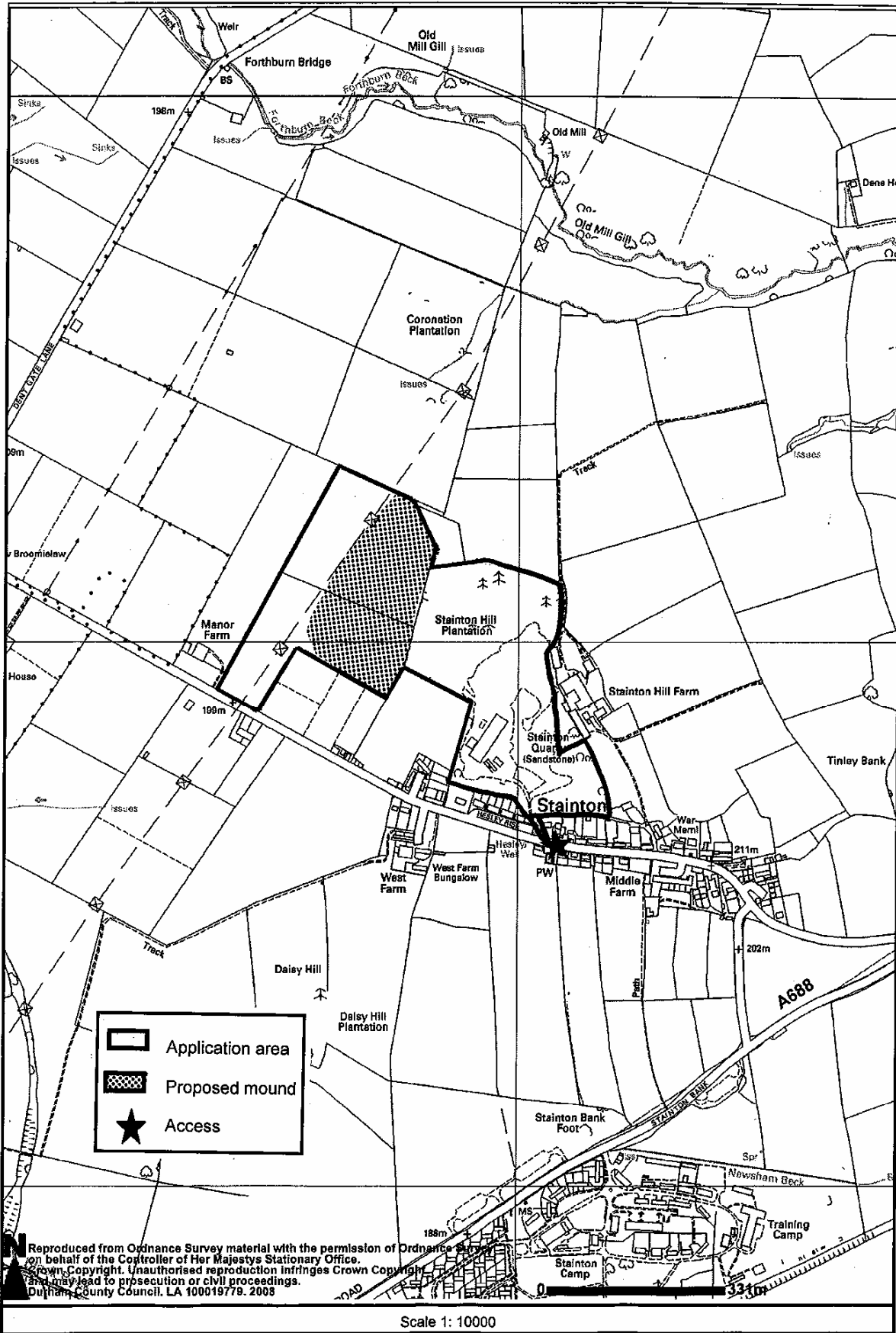
**District: Teesdale**  
**Planning Application No: CMA/6/32**  
**Proposed Development: Consolidating planning application and proposed extension to Stainton Quarry, Stainton for Ennstone Building Products Limited**

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**Key Facts**

Site area:	20.3 Ha in total. 9.8 Ha proposed extension area (area to be landraised no extraction is proposed) 10.5 Ha in existing quarry 4.5 Ha of which to be excavated comprising the North and East Tips and the north west area of the quarry yet to be extracted.
Existing land use:	9.8 Ha of agricultural land in the proposed extension area and 10.5 Ha existing quarry with buildings with some woodland within existing permission area to be removed.
Proposed land use:	Nature conservation, comprising some 5.5 Ha species rich grassland, some 3.2 Ha woodland, 1.2 Ha scrub as well as 640m of hedgerow planting, 10.5 Ha natural generation within existing quarry.
Mineral resources to be extracted:	Approximately 240,269 tonnes of sandstone in total. (107,800 tonnes of recoverable stone within the existing heaps and 132,469 tonnes in the ground to be quarried below the waste heaps and in the western part of the existing planning permission area.)
Use of mineral resources:	High quality building stone (also known as dimension stones) to be used for building projects.
Other operations taking place at site:	Cutting and dressing of imported stone and production of reconstituted concrete blocks from waste stone generated from extraction operations at the quarry.
Blasting:	No blasting is proposed.

Duration of working:	The site would be worked in 3 phases and it is proposed that all quarrying and tipping operations cease by 31 December 2019. All plant and site infrastructure would be removed by the following year, and the site would be fully restored by 31 December 2021. Tipping operations would not exceed 8 weeks in any one year.
Hours of operation:	<p><u>Quarrying</u> 07:00 – 18:00 Monday to Friday 07:00 – 12:00 Saturday</p> <p><u>Masonry workshop</u> 06:00 – 20:00 Monday to Friday 07:00 – 16:00 Saturday to Sunday</p> <p><u>Delivery and dispatch of stone</u> 08:00 – 17:00 Monday to Friday 08:00 – 13:00 Saturday</p> <p><u>Operation of fully automatic stone cutting machinery</u> 00:00 – 24:00 Monday to Thursday</p> <p><u>Floatlines (all other manufacturing activities)</u> 06:00 – 22:00 Monday to Thursday 06:00 – 20:00 Friday 06:00 – 16:00 Saturday</p>
Lorry movements:	Daily maximum 20 in/20 out Monday to Friday 10 in/10 out on Saturday such that the average number of HGVs entering the site per day in any calendar month shall not exceed 12.
Lorry routeing:	Existing access through Stainton Village onto Road A688.
Employment:	Not known.



**Teesdale District: Proposed consolidation of future operations at Stainton Quarry including a proposed extension for the disposal of mineral waste generated by the cutting and dressing of stone on site, at Stainton Quarry, Stainton for Ennstone Building Products Limited**