

Durham County Council

At a Meeting of the Planning Committee held at the County Hall, Durham on **Tuesday 22 July 2008 at 11.15 a.m.**

PRESENT

COUNCILLOR RODGERS* in the Chair

Members:

Councillors Alderson*, B Bainbridge*, Barnett*, A Bell*, Cordon*, Fergus*, Holroyd*, Liddle*, Maddison*, Moran*, B Myers*, Plews*, Richardson*, Shield, Allen Turner*, Walker*, and R Young.*

Members shown with an asterisk* attended the site visit

Apologies: Councillors E Bell, Potts, Stoker, Temple and Zair

A1 Applications to be determined by the County Council

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.

Following a site visit the Head of Environment and Planning presented a report on the application (for copy see file of Minutes).

During the presentation the Head of Environment and Planning highlighted the representations that had been received in respect of the application, including an objection from Stainton and Streatlam Parish Council. Barnard Castle Town Council had objected to the application based on the proposed new route but this has since been removed from the proposal. Objections and comments from members of the public were also highlighted.

The Head of Environment and Planning informed the Committee that a new access and lorry route through Barnard Castle had originally been proposed but the Head of Highways Management had objected to it, preferring the retention of the existing access although he acknowledged the difficulties this caused.

The Committee heard representations from Mr Peter Wilkinson on behalf of the Parish Council and as a resident of Hesley Rise.

He informed the Committee that the Parish Council and many residents of the village have serious concerns regarding the application. The Officer's report shows that little or no stone has been extracted from the quarry for in excess of six years. The main operations have been the processing of stone from other Northern Quarries and the production of reconstituted blocks. This is an uneconomic process, a fact that has been confirmed by Marshalls at several liaison meetings. The main selling point of the Company's original application was the proposed new access road which would have removed HGV traffic from the village and this has now been withdrawn.

He told the Committee that the Company has a history of failing to meet its obligations under planning agreements and this was also confirmed in the Officer's report. No restoration plan has been submitted by the required date and no enforcement action has been taken by Durham County Council against the Company.

The Parish Council also has concerns that extending workings to the north and south west along with the removal of both woodland and pasture land will seriously affect visual amenity as well as removing prime pastureland from use for decades. This is confirmed in the Officer's report.

The current application presents totally inadequate restoration plans in that the proposal is for spoil to be spread and allowed to regenerate naturally. This is an attempt at abrogation of restoration duties by the Company and the Parish Council is surprised that the Officer's report does not identify this as a major flaw in the application. The current uncertainty regarding the future operations of the quarry should be regarded as a reason for not granting permission. It is three months since Members first had sight of the application and in the intervening period the current lessee Marshalls plc (trading as Stancliffe Stone) has effectively ceased operations on 30 June 2008 and will terminate their lease agreement on 30 November 2008. Virtually all staff have either been redeployed or made redundant. There seems to be no operation taking place at the quarry and appears little prospect of an operator recommencing work. A recent liaison meeting with the Parish Council and DCC staff was cancelled by Ennstone in the absence of progress made towards establishing a new operator.

The Company's claim as to reserves of stone within this quarry are grossly exaggerated which was a significant factor in Marshall's terminating the current lease. The Officer's report indicates that the use of the site as a central hub for processing inbound stone has been the primary operation for many years. The fact that Marshall's now intend to process this stone in situ clearly indicates that the quarry is no longer a viable operation. The report also indicates that there is no evidence of alternative markets nor of the production of alternative processing equipment to the site by the applicant. Part of Stancliffe's background reasons for withdrawing from the lease has

been the cost of transporting dimension stone to Stainton from other quarries. This stone is now being processed at the point of extraction. As the vast majority of the processing equipment sited at Stainton Quarry has now been removed by Stancliffe, any new operator will have to incur significant capital expenditure in order to recommence processing stone.

The Officer's report sets out the uncertainties surrounding operations and the Minerals Planning Authority should not be driven by the commercial and operational dilemmas faced by the Company. The report also confirms the Officer's lack of faith in the Company's ability or willingness to comply with future legal agreements given its poor past record in this respect.

In the light of all the concerns of the Parish Council and local residents, Mr Wilkinson asked the Committee to refuse the application.

The Committee next heard from Mr Colin D'Oyley, Head of Planning and Estates at Ennstone plc.

He said that commercial considerations were not relevant to planning and informed the meeting that there were a number of complex issues involved. He started by explaining the Company's approach historically and stated that they were now attempting to resolve these issues and produce a blueprint for a way forward and to put a restoration programme in place. There are no proposals to increase the extraction area but simply to ensure that existing reserves are fully utilised. The proposal as presented will actually reduce the end of date from 2042 to 2021.

In respect of the change of operators, this was a commercial arrangement between Ennstone and Marshalls and Marshalls were never part of the long term future for the quarry. Reserves have been determined following detailed investigation at the quarry and the Company believes that it is a viable concern. Marshalls departure was not a significant issue and talks were presently proceeding with two other interested companies but these had not progressed to any great degree as Marshalls had not formally given notice that it wished to terminate the lease.

Mr D'Oyley stated that the liaison committee meeting had been deferred pending a resolution on the application. The quarry is covered by a number of planning permissions and this was an attempt to try and put some controlled working process in place and reduce the working life of the quarry from 2042 to 2021. This application would produce a positive scheme. If refused it would result in uncertainty as planning permission would remain until 2042 and would revert to no comprehensive working and restoration scheme for the quarry.

Councillor Fergus, the Local Member said that after a period of relative calm this application had opened up a can of worms and she was concerned as to who would carry out proposal as Ennstone have a history of poor non-compliance with conditions imposed on them. Cllr Fergus proposed that the

application be turned down or determined when it is known who the new operator will be. Councillor Richardson, also the Local member supported Councillor Fergus's proposal.

Councillor Cordon noted the objections by the Parish Council and said that he had concerns regarding restoration and the lack of compliance with previous conditions and agreements. He said he had concerns about the dumping of waste on the village especially as there was no evidence that the scheme would work.

Councillor Myers supported the local members and said he was hesitant to grant permission at this stage and agreed that the application should be reconsidered at a later date when it is known who the operator will be.

Resolved:

that planning permission be refused for the following reasons:

1. There is no need for an extension to the site except to accommodate waste generated from the method of working adopted at the site over the years and alternative uses for the waste stone have not been fully explored.
2. In accordance with MLP Policy M52 there are concerns regarding the ability and commitment of the applicant to the working and full restoration of the site in accordance with the requirements of any planning permission. The site is not at present operational and there is uncertainty as to what operations would be carried on.