

**Planning Committee**

**15 October 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.**

**Sedgefield Borough:** Proposed eastern extension for the extraction of magnesian limestone and restoration to nature conservation uses at Thrislington Quarry, West Cornforth for Lafarge Aggregates Ltd.

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## **Introduction**

- 1 Thrislington Quarry is a large Magnesian Limestone quarry (covering some 112 hectares (ha)) located on the Maganesian Limestone Escarpment to the south of West Cornforth and east of Ferryhill. The quarry plays an important role in mineral supply in the County and about a third of the Magnesian Limestone extracted is high grade limestone (known as industrial dolomite). This is processed in the kilns at the adjoining Works to produce burnt dolomite which is of considerable importance to the steel industry. The balance of Magnesian Limestone extracted, and some underlying Permian sand, is marketed as aggregates. Residues from the quarrying activities are also blended with fines from the Works to form agricultural lime.
  
- 2 At December 2007 it was estimated that around 3.49 million tonnes of kiln material and 7.15 million tonnes of civils (material used for aggregate purposes) remained at the Quarry. Within the existing quarry the purity of the limestone is declining as working progresses south. It is proposed to extend the quarry to the east of the A1(M) to secure long term production and to provide certainty of supply to the Works and hence to the steel industry.

## **Planning History**

- 3 Quarrying of high grade magnesian limestone commenced at Thrislington Quarry in 1954 and several planning permissions were granted between 1953 and 1997 for the extraction of this and other minerals (limestone, Permian sand and mudstone). In November 2001 the Planning Committee agreed an updated schedule of planning conditions for the working and restoration of the site under the review of the old mineral planning permissions at the Quarry. These were issued in January 2002. At the same time an extension to the permitted extraction area adjacent to the A1(M) was approved along with applications for the use of part of the existing quarry void for the recycling of construction/demolition wastes and provision of a concrete batching plant, office premises and wheel wash. Planning permission for mineral extraction is required to cease in January 2015 and the site restored in accordance with a scheme and timescale yet to be agreed with the Mineral Planning Authority.
  
- 4 In 1992 the Development Control Sub Committee resolved to approve an application to restore Thrislington Quarry by infilling of controlled waste over a period of up to 43 years. However, the planning permission was never issued because all parties with an interest in the quarry needed to sign a legal agreement with the County Council and this was not done. In 2006 the Planning Committee rescinded the earlier resolution in respect of the application in light of the delays and changed circumstances. Notwithstanding this, part of the existing quarry is allocated in the County Durham Waste Local Plan (April 2005) for waste facilities.

- 5 Since 2004 Steetley Dolomite Limited (SDL) has operated the Works which is covered by various planning permissions for plant and equipment granted between 1956 and 1976. The land occupied by the Works is leased from Lafarge Aggregates Ltd.

### **Current Application**

- 6 Lafarge Aggregates is seeking planning permission to extend the life of the quarry beyond 2015 and to work an area east of the A1(M). The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES and that arising from the statutory consultations and other responses. Additional information received since the application was submitted has also been considered. The Planning Committee needs to consider the proposal in the light of Development Plan policies, Government Guidance and policy statements and other material considerations.

### **The Site**

- 7 The total application site including the haul route through the existing quarry is 91ha. The proposed extension area comprises 78ha of land located immediately to the east of the A1(M) and south of Stobb Cross Lane (Road C24). The northern boundary of the site runs along Stobb Cross Lane to the Hare and Hounds Public House, and the A177. The eastern boundary runs along unclassified road 35.17 at College House and continues towards properties at Highland Farm. The southern boundary extends westward to the A1(M) past the active Bishop Middleham Quarry lying immediately to the south. The A1(M) forms the western boundary of the proposed site.
- 8 It is proposed to extract approximately 29 million tonnes of Magnesian Limestone over 32 years and final restoration would be achieved within the 2 years before the site enters aftercare (5 years statutory aftercare, and an additional 5 years). About 11.35 million tonnes of stone would be used for high grade purposes.

### **Proposed Working and Restoration**

- 9 The proposal would involve quarrying in 7 phases and each phase would have 5 rock layers (benches). The Top Bench material has previously been used as high grade industrial dolomite in the kilns at the Works and in the sea water magnesia plant at Hartlepool. However, it can no longer meet modern physical and chemical specifications and would be used to form permanent and temporary screening mounds around the proposed extension and for restoration purposes. The next bench contains the Soft Civils, soft rock suitable for bulk engineering fill that is only of commercial value if a market becomes available. This material would also be used in the mounds and restoration.
- 10 The middle two benches comprise the high grade dolomite suitable for industrial use (the Upper Kiln Feed and Lower Kiln Feed). This material

would be processed by mobile plant on the quarry floor then hauled by dump truck through the proposed tunnel below the A1(M) for further processing at the Works. The lowest Magnesian Limestone bench comprises the Lower Civils. This is a harder but less pure Magnesian Limestone used in civil engineering projects and the production of ready-mix concrete. This would be crushed and sorted by mobile plant in the base of the quarry, before being transported direct to users by HGVs or the ready-mix concrete plant on the existing quarry site. The quantities of stone expected to be produced are set out in paragraphs 8 and 92.

- 11 The 7 phases of working would vary in duration between 1 and 8 years. Phase 1 (two years) would be the initial development phase and from Phase 2 onwards mineral suitable for high grade purposes would be extracted. Phase 1 enabling works would include the formation of the new site access and related infrastructure (office facilities, weighbridge, sheeting bays and wheelwash), screening mounds and soil and overburden removal. Initial works for the construction of the tunnel under the A1(M) would also take place and the permanent diversion of Footpath Cornforth 23 / Bishop Middleham 13 which crosses the site. The diversion of overhead power lines and a trunk water mains crossing the site would also be required. Planting would take place on the permanent and temporary screening mounds around the proposed extension in the planting season following their construction.
- 12 Phase 2 (1 year) would concentrate on the deepening of the initial cut to the tunnel access, allowing the extraction of material suitable for high grade purposes and installation of mobile processing plant on the quarry floor. The tunnel would be operational by the end of Phase 2. Development within Phases 3 to 7 would take place over the remaining working life of the quarry (29 years). Mineral extraction would commence in the northwest corner of the extension area before moving east and south. Processing and storage of materials would occur within the quarry void. In Phase 7 part of the overburden mound on the eastern boundary would be removed to enable the extraction of underlying material to take place.
- 13 Following the development of the quarry to its maximum extent in Phase 7, the site would be restored to final levels and nature conservation end uses over a 2 years period. The scheme would provide 44.5ha magnesian limestone grassland, 14ha woodland and scrub planting and a 17ha water body with 2.5ha of marginal planting around its perimeter. An additional 5 years of aftercare above the statutory requirement is proposed for the site providing 10 years management in total.
- 14 The proposed tunnel (200m long x 6.4m high x 7.2m wide x depth of 40m below the A1(M)) would be operational some 3 years following the commencement of development. Until then material would be transported back to the existing quarry from a proposed new access on Stobb Cross Lane via the existing site access on the Lane immediately to the east of the A1(M) known as 'Entrance 2'. An existing access to the west of the A1(M) on road C69, referred to as 'Entrance 1', would

continue to be used. Improvements to the walkway along Stobb Cross Lane are also proposed as part of new access arrangements.

- 15 Once the tunnel has been constructed vehicles carrying construction grade aggregate would only exit the new access to Stobb Cross Lane. These would turn right towards the A177 and head north or south depending on markets. Over time it is also anticipated that Entrance 1 would be used less for aggregate output. Entrance 2 would remain in place but only vehicles associated with restoration works would use this access.
- 16 Although heavy goods vehicle (HGVs) would use both Entrance 2 and the new access for a period, total movements onto Stobb Cross Lane would be within the levels specified in the current planning permission. The combined number of laden HGVs exiting the site via Entrance 2 and the new access would not therefore exceed an average of 180 per day when calculated over any 4 week period (Mondays to Fridays) or a maximum of 250 per day at any time (500 movements in total). Once the tunnel is operational the number of laden HGVs exiting the new access would not exceed 123 per day Monday to Friday (246 movements in total) and 62 per day at weekends (124 movements in total).
- 17 Agreed hours of operation for the existing quarry are 06: 00 – 22:00 weekdays and 06:00 – 16:00 Saturday and Sunday. The same hours were originally proposed for the extension but have now been reduced in terms of the finishing times for particular operations. The proposed working hours in Phase 1 have been revised (07:00 – 18:00 Monday to Friday, 07:00 – 13:00 Saturday with no operations on Sundays). The hours of operation are set out in the key facts sheet attached to this report.
- 18 The Company hopes to commence work within the proposed extension by Spring 2009 as high grade material from this area is required to be blended with the remaining consented reserves in the main quarry to maximise use of the mineral. Blending needs to commence during 2011, to make existing reserves suitable for kiln feed use and to provide certainty of supply to the Works and hence to the steel industry.

### **Consultations and Views Received**

- 19 Sedgefield Borough Council objects to the proposals on the following grounds:
  - There was insufficient information on the environmental impact of the development including dust and water contamination.
  - There would be no regeneration benefits to West Cornforth or Ferryhill Station.
  - A Business Case had not been prepared.
  - The duration of 32 years for the development was unacceptable.
  - There would be unacceptable levels of traffic movement.

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

20 Cornforth Parish Council has not objected to the application but has raised concern over the ability of the junction of Stobb Cross Lane and road A177 to safely accommodate the increased traffic volumes. It is also suggested that the transport by conveyor of refractory grade magnesium limestone from the eastern extension to the kilns would be preferable to the use of dump trucks in view of the reduced environmental impact. The Parish Council considers that the management and control arrangements in respect of water, noise and dust suppression need to be sustainable.

*Comment: Traffic and access issues are considered in paragraphs 158 - 165. The applicant is opposed to the use of a conveyor because it does not provide the flexibility required in the movement of material within the site and to existing facilities in the main quarry and Thrislington Works. It is not considered that there would be significant environmental effects from the use of dump trucks in so far as noise and dust is concerned. The haul road would be appropriately surfaced to help minimise the potential for emissions and would be located in the quarry void some distance from properties in West Cornforth. Should planning permission be granted then conditions would seek to control the impacts of the proposed development in terms of water, noise and dust suppression.*

21 Bishop Middleham Parish Council originally “decided not to object to the planning application” but raised a number of concerns. However, following a meeting to discuss the submission of additional information in support of the application in January 2007 (attended by around 100 residents), the Parish Council lodged a formal objection to the proposed development for reasons summarised as follows:

- Issues raised by an objector in response to additional information submitted in support of the application have not been adequately addressed thus creating serious doubts in the minds of Parish Councillors as to the economic justification and the need for the proposed development.
- Lafarge propose to work the new quarry for 32 years. This is unacceptable given Bishop Middleham’s exposure to the quarrying for fifty years and the encroachment on its hinterland.
- Bishop Middleham will be cut off to the north when the 225 acres are added to Lafarge’s already impassable deep hole of 600 acres.
- The rural hinterland will be ravaged beyond repair. Fields of waving golden corn a mere memory. Quarrying is destroying Bishop Middleham’s environment irretrievably.
- Maximum weight vehicles will exit onto the A177 every five minutes (according to the consultation response from the Highways Agency). This is in addition to an inordinate amount of vehicles entering Thompson’s quarry on the east of the village. Flows of traffic south will be intolerable.
- Quarry operations will take place seven days a week for thirty-two years, generating noise, dirt and dust. This is not acceptable.
- 225 acres of mixed arable land will be forfeited. Agriculture will be denied in the pursuit of a mineral which is the bane of the Bishop Middleham locality. Blasting and the unmitigated noise of construction plant will blight the rural environment.

- The Parish Council is advised that the Environment Agency's emission returns denote that an annual 285,000 tonnes of CO<sub>2</sub> are expelled to atmosphere each year from the Works, the product of burning oils as fuel in the kilns and the CO<sub>2</sub> being driven off the calcinated dolomite.
- Property values will be destroyed by this quarry development which will deter investment in the area.
- Sensitive operations at NETPark, the new Centre for Advanced technology, will be at the mercy of quarry operations.
- The Parish Council is advised that the Environment Agency is protesting the threat to water supplies and courses and landfill gas leaks.

*Comment: The relevant planning issues are addressed in this report including need, cumulative impact, traffic and access, impacts on residential amenity, environmental impact, agricultural land and hydrology. The devaluation of property is not a matter that can be addressed through the planning system. The views of the County Durham Development Company with regard to the impact of the proposed development are contained in paragraphs 44 - 46. The Works are considered in paragraph 175 - 177.*

22 Ferryhill Town Council (neighbouring Parish) initially had no objections to the application. However, in May 2007 the Town Council advised that it objected to the application on the following grounds:

- The potential detrimental impact to the water table.
- The potential for cross contamination from the rising mine water levels in the area.
- The lack of guarantees that this problem can be overcome.
- The increased amount of dust and contamination to the local area and vicinity from the quarrying activities.
- The loss of local wildlife habitats.
- The potential contamination of water to the Site of Special Scientific Interest and National Nature Reserve at Ferryhill Carrs.
- The increased number of vehicles operating at the plant both leaving it and exiting it but also driving through the plant creating dust to move the materials from one end of the quarrying activity to the other.
- The existing quarry should be fully reclaimed before the extension is permitted to be developed so that the local countryside is not destroyed for such a large area over a long period of time.
- The movement of materials from the new extremity of the quarry to the railway line and kilns should be by other means than vehicle movement which is not environmentally friendly and creates problems with dust; alternative methods should include conveyor belts and other means of moving the materials which are more environmentally friendly.

23 Fishburn, Kelloe and Chilton Parish Councils (consulted as neighbouring Parish Councils) have not commented.

24 Hartlepool Borough Council, although not consulted on the application, has made a number of comments. Members of the Council's Planning

Committee expressed grave concern about the potential for the scheme to affect the quality of Hartlepool's water supply. The Committee resolved to convey its opinion to this Council that it should be absolutely sure there will be no impact on the aquifer if it is minded to grant planning permission. The Committee also expressed its surprise that given the potential impacts, Hartlepool Borough Council had not been consulted on this matter and asked that the County Council bear this in mind when dealing with projects in the future.

*Comment: Hartlepool Borough Council was not consulted due to the distance of the site to the Borough. The Environment Agency is the statutory consultee best able to comment on the effects of the proposal on hydrology and has done so. Hartlepool Water, the body responsible for water management in that area, was consulted but has not responded.*

- 25 The North East Assembly considers that the proposal would be in general conformity with RPG1 and the emerging Regional Spatial Strategy (RSS) provided the minerals planning authority is satisfied with the proposed mitigation measures, any additionally required mitigation measures and if there is a proven need for the proposal.
- 26 It is also noted that the proposal would result in a number of environmental impacts that the applicant intends to mitigate against, which is welcomed. It considers that the proposed restoration scheme is welcomed provided that it is easily accessible by non-car transport modes. However, the Assembly considers that there is some concern regarding the justification for the scheme on the grounds of need and it should be made clear what proportion of extracted materials would be supplied to Thrislington Works and the certainty of these customers. The Assembly also states that there would be concern if the proposal went ahead with only a small market leaving large amounts of minerals at the site for storage awaiting a market.
- 27 The Assembly raises some concerns at the proposed increase in lorry movements on Stobb Cross Lane and the effect that this may have on surrounding villages and settlements but welcomes the mitigation measures that have been proposed. Concern is expressed at the proposed number of lorry movements required to transport limestone from the site. RPG1 Policies T6, T15 and the emerging RSS aim to reduce the need to travel and transfer freight from road to rail. The Assembly states that it would be concerning if the nearby Stillington freight line offered a practical alternative but was not proposed to be used, especially as the site has an anticipated life of 30 years. The Assembly has concerns that the application would result in the loss of a large amount of Grade 2 agricultural land, which Policy ENV11 of RPG1 aims to protect.
- 28 Natural England (Government Team) has no objection to the application in terms of nature conservation subject to the imposition of planning conditions to secure the protected species mitigation/monitoring measures included in the ES and to secure the site restoration measures included in the ES. It is considered that the location and nature of the proposed



development is such that it will not be likely to have a significant effect on the features of the Thrislington Plantation Special Area of Conservation or cause damage or disturbance to the Thrislington Plantation or the Bishop Middleham Quarry SSSIs. Based on the information provided Natural England is also satisfied that the risk to protected species is low.

- 29 Overall, Natural England welcomes the proposals to create new priority Biodiversity Action Plan (BAP) habitats (e.g. calcareous grassland) as part of the restoration programme and is of the opinion that this will enhance the nature conservation and biodiversity interest of the area when completed, thereby satisfying key principle (ii) of Planning Policy Statement 9 (Biodiversity and Geological Conservation) (PPS9).
- 30 Natural England (Geology, Landscape and Soils Team), in terms of soils and agriculture, expects that in the consideration and determination of the application the Council gives due weight to Government guidance on high quality land and soil resource protection. Natural England recognises that it is proposed to restore the site to nature conservation afteruses using only limited amounts of soil and this would result in the irreversible loss of the best and most versatile land within the site boundary and be a departure from the aforementioned guidance. Nevertheless, in representing Defra's statutory remit, it would not wish to object to this application, provided the granting of planning permission was made subject to appropriate conditions to safeguard all relevant environmental interests, and that the County Council was satisfied that the proposed development and reclamation scheme conformed to the following criteria:
- There is an overriding need for the development which could not be met from an alternative environmentally acceptable site;
  - It is determined that the safeguarding of high quality land as a natural resource is out-weighed by other overriding sustainability factors;
  - The reclamation scheme will deliver very significant environmental or community benefits which are fully costed, technically achievable, properly funded and would otherwise be readily achievable (e.g. a unique opportunity for the creation of a Biodiversity Action Plan habitat); and
  - The application is accompanied by a soils resource survey and handling strategy, together with realistic proposals for their protection and appropriate beneficial re-use commensurate with their quality.
- 31 Natural England also assumes that in the determination of the application, the Authority would seek to ensure that adequate financial provision or other agreements were in place for the restoration of the site and its subsequent aftercare management. Should the Authority be minded to approve this application, Natural England would wish to be given the opportunity to comment on, or recommend appropriate planning conditions, and to be identified as an interested party in the aftercare process.

*Comment: The issue of restoration and loss of best and most versatile soils and restoration of the site are considered in paragraphs 130 to 134 and 136 to 139 of this report. Should planning permission be granted Natural England would be given the opportunity to comment on the planning conditions.*

32 The Durham Bat Group (DBG) initially recommended that the application be refused because it felt that there had been minimal involvement of wildlife experts in the submission and that as a result the impact assessment is dismissive and the restoration plan vague and aspirational. Concerns were also raised regarding open grassland species mentioned in the BAP.

33 However, in response to the additional information submitted in support of the application the DBG states that it is generally in favour of the proposals with some caveats and reiterates its view that bats have not been properly considered by the report and that there is no evidence to suggest that any qualified and experienced bat workers have been involved in the recommendations.

*Comment: Refer to the comments of Natural England in paragraphs 28 and 29 and the comments regarding nature conservation in paragraphs 140 to 143.*

34 Butterfly Conservation does not object in principle to the application as the quarry development would appear to have little impact on habitats for Lepidoptera (butterflies) and considers that whatever impacts occur would be far outweighed by the benefits of restoration to nature conservation, particularly to magnesian limestone grassland, a nationally important habitat which supports a number of UK BAP Priority Species and a candidates BAP species. A number of specific issues relating to restoration are raised. Overall Butterfly Conservation considers that the scheme will, if successful, make a significant contribution to nature conservation in County Durham.

*Comment: The Council's ecological advisor concurs with the views of the Butterfly Conservation. The issues raised have been addressed by the applicant and can be subject to conditions should planning permission be granted.*

35 Durham Wildlife Trust has raised a number of comments relating to: the depth of soil to be spread across the restored site; the nutrient status of the subsoils and whether or not they are suitable for the establishment of magnesian limestone grassland; the potential for islands to be created in the proposed restoration water body, and the lack of commercially available seed mix for magnesian limestone grassland.

*Comment: Comments made in respect to depth of subsoil needed are noted and appropriate depths can be discussed and agreed with the applicant at a later stage. Given that the water body is likely to be very deep, islands are unlikely to be possible and would result in soils being lost. An alternative would be varied margins with large areas of very shallow water and/or islets. The proposed restoration drawing includes shallow margins in response to comments previously made. Exact details could be required by condition should planning permission be granted.*

36 County Durham Badger Group has not commented.

- 37 The Environment Agency (EA) originally objected to the planning application in March 2006 because there was insufficient information to adequately demonstrate that the development would not adversely impact the quality of the groundwater in the Magnesian Limestone or the groundwater resources. The applicant subsequently submitted a revised version of the 'Groundwater Monitoring and Mitigation Scheme' designed to protect the Magnesian Limestone Aquifer from potential impacts of the proposed development. This further information has allowed the EA to withdraw its objection subject to a number of conditions being imposed on any planning permission to ensure that the proposed mitigation measures are effective and prevent any adverse impact on the quality of the groundwater and groundwater resources.
- 38 The EA has identified that the planning application is within 250 metres of a landfill site, Highland Farm, which is known to be producing landfill gas, or is known to have accepted biodegradable waste. The EA has no records to suggest that landfill gas is migrating from the site or is affecting, or likely to affect the proposed development. However the risk of migration cannot be ruled out in the future. The EA recommends that a hazard investigation is carried out and the results identify that any risks from the presence of landfill gas can be mitigated or prevented by appropriate remedial measures. During site development, measures should be taken to ensure contaminated waters do not enter either clean surface water drains or watercourses.
- 39 Since the initial response the EA has looked at its records and has confirmed that methane and carbon dioxide is being produced from Highland Quarry. However, these suggest that levels are low. Although the EA cannot ascertain the risk to Thrislington with any certainty without an assessment being undertaken, it is likely to be minor. Gas monitoring at Highland Quarry is ongoing.

*Comment: Should planning permission be granted the conditions as suggested by the EA would be imposed. Highland Quarry had a licence to accept construction waste but there was no restriction on the type of construction waste and according to the EA there was a potential that biodegradable waste such as timber was accepted on site hence the potential for the site to be gassing.*

*Given the recent comments of the EA as set out above it is not considered necessary for a hazard investigation to be carried out. The applicant acknowledges that it is known that the quarry, which lies adjacent to the southern boundary of the site, was infilled with largely construction and demolition waste associated with construction works on the A1(M). The EA has monitored whether the tipped materials are producing any landfill gas and has confirmed that while some gas is being produced this is not considered to be significant and the risk to operations at the proposed quarry extension are minor. Extraction operations will not reach the area around the former quarry until Phase 6 some 20 years+ into the development programme, by which time any risk should have reduced further. The applicant has stated that it would liaise with the EA to determine whether their existing monitoring programme needs to be augmented by one or two boreholes at the Eastern*

*Extension site boundary next to the former quarry. Should the EA confirm that this would be helpful then the applicant would agree the locations and periods for any monitoring with the Environment Agency. This would be secured through condition should planning permission be granted.*

- 40 Hartlepool Water (part of Anglian Water Services Ltd supplies drinking water to Hartlepool and the surrounding villages) has not commented.
- 41 The Highways Agency notes that the ES is lacking information about peak hour traffic generation on the potential impact on the A1(M) either at Junction 60 Bradbury or Junction 61 Bowburn, nevertheless it has made a number of assumptions in reaching a conclusion on the application. It considers that if the level of HGV movement is typical of what occurs at present, and falls within the limits of the existing planning permission, then there would be little merit in requesting further information from the applicant. Nevertheless, in order to ensure that the quarry extension does not result in a material increase in the number of HGV trips on the A1(M) or its junctions, the Highways Agency requires that the number of vehicle trips to and from the whole site (to include existing and proposed working areas) be limited to those that were set under the 2002 consolidated planning consent.
- 42 The Agency has no objections in principal to the proposals to provide a tunnel under the A1(M), which has its approval in principal, subject to a condition requiring that prior to commencement on site, full details of the tunnelling works shall be submitted and agreed in writing with the Highways Agency.
- Comment: Traffic issues are considered in paragraphs 158 to 165. Conditions regarding vehicle numbers and details regarding the tunnel can be imposed on any grant of planning permission.*
- 43 English Heritage does not wish to offer any comments on the application and recommends that it should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.
- 44 County Durham Development Company (CDDC) considers that the matters potentially of most relevance to NETPark are blast vibration and air quality. In both cases the technical information provided by the applicant suggests that there should be no significant effects upon residents and other activities further than 500 metres away from the site, even for such uses as high-tech industries which are formally recognised in national standards as high sensitivity dust receptors. The closest part of the potential expansion area of NETPark as proposed in the Draft Regional Spatial Strategy lies some 2.8 kilometres from the nearest part of the quarry extension.
- 45 CDDC has consulted the existing occupiers of the NETPark Incubator and NETPark Institute upon the relevant section of the ES. Although some of the occupiers of both buildings do have equipment which is sensitive to vibration in particular, no adverse comments have been

made upon the proposal. It is also recognised that there is already an existing quarry with blasting operations at Bishop Middleham which lies closer to NETPark than the proposed Thrislington extension. It is noted that traffic from the extension will exit onto the A177 north of NETPark, although the numbers forecast are lower than those currently permitted from the existing quarry from which traffic will reduce as the extension is developed.

- 46 On the basis that all of the information about the above issues as provided in the ES is accepted as accurate, and that adequate safeguarding controls relating to the vibration and air quality can be secured in any approval given to the scheme, CDDC does not wish to offer any objections to the application.

### **Representations from members of the public and other interested parties**

- 47 In line with the approach of the Council's adopted Statement of Community Involvement (SCI), the proposals were displayed at a public exhibition held by the applicant, prior to formal submission. In terms of statutory planning publicity, the application has been advertised on site and in the press. Neighbour notification letters were sent to residential properties close by. 1,373 representations have been received, including 1 objection from the North Yorkshire and South Durham Area Ramblers Association. Of these 1,365 are objections (including letters from one of the landowners, the owners of the Hare and Hounds Public House and residents living adjacent to the site), 4 offer comments and 4 are in support of the application.
- 48 Of the 1,365 letters of objection all but a few are proforma letters from individuals both within and outside of the County. Of the letters of objection 446 are from Bishop Middleham, 154 from West Cornforth, 267 from Ferryhill including Chilton, 97 from Sedgefield, 134 from Fishburn, 86 from Trimdon, surrounding the site, and 50 from the remainder of County Durham. 84 have been received from outside of County Durham and 47 have no address. Acknowledgement letters were sent to all those making representations. However, it appears from telephone calls received (from 8 people) that some of these letters did not originate from the persons purporting to have sent them.
- 49 The proforma letters raise the following 11 points of objection.
- No economic case in terms of market need has been raised to support the application.
  - Threat to water resources, due to the underground aquifer/water ways.
  - Massive increase on already busy road network.
  - Loss of 225 acres of prime arable land.
  - Scar on our picturesque countryside.
  - Unacceptable noise and pollution and emissions from quarry.
  - Devaluation of house prices.
  - Health threats.
  - Demand for products can be met from elsewhere.
  - Threat to local wildlife.
  - 50 years of quarrying is enough.

Some of the letters are annotated with additional concerns relating to toxic fuels burnt at the Works, threats to wildlife, traffic and safety issues, problems with mud on the road from the existing site and light pollution, concerns about blasting and damage to property, increased noise and dust, the effect on Hardwick Park, decisions being made by people who do not live in the area, effect of the Works on domestic appliances and electricity surges and the effect on the image of the surrounding villages.

*Comment: The relevant planning issues raised are addressed in this report.*

- 50 Certain letters that have been received are extremely detailed and copies of representations are available for inspection in the Members' Resource Centre. The grounds for objection and concern expressed in the other letters are summarised in Appendix 1 to this report:
- 51 A 19 name petition has been submitted from residents of West Cornforth (4 from Garmondsway Road and 5 from Stobbs Cross Villas). A letter accompanying the petition makes a number of comments regarding the application. It refers to a Public Inquiry in 1981 and working hours approved at that time and under the Environment Act 1995 Review. Reference is also made to a Thrislington newsletter in 1997 referring to a reduction in working hours, that an increase in the yield of products will result in less blasting per unit of production, and that journeys of giant dump trucks would be reduced across the site. It is considered that information contained in the newsletter contradicts the Company's current intentions in that blasting hours would be increased and dump trucks crossing the site will result in noise, fuel use and exhaust fumes.
- 52 The petition proposes the following measures in the interests of the residents who have had to put up with everything that accompanies quarrying on their doorstep for a significant number of years:
- Quarry production hours be 7am to 7pm Monday to Friday as mentioned in the 1997 Newsletter.
  - Drilling and blasting be 8am to 4.45pm Monday to Friday as pre 2002.
  - Vehicular movements be 6am to 9pm Monday to Friday and 6am to 12pm Saturdays.
  - That a conveyor system be installed to transport kiln feed and material to be used in the concrete plant to the eastern quarry.
  - As the planning application is for 32 years this might be the last time residents are able to make representations.

Comments are also made concerning the applicant's commitment to the local area in terms of employment and allegations of employees being made redundant and the effects on employees, their families and local employment.

- 53 An action group called Stop Lafarge Action Group (SLAG) submitted a document entitled 'Reject It Now' and copies were sent to the Members of the Planning Committee. The document and accompanying DVD details reasons why residents in the area feel that the application should

be rejected by the Council. The reasons relate to: transport (concerns regarding estimated vehicle movements and reference is made to the comments of the Highways Agency), air quality (concerns about dust generation and the ability for it to be controlled based on experience and effects on health and CO<sub>2</sub> emissions), water pollution (the potential of contamination of water courses and the aquifer as a result of quarry operations), noise pollution (reference is made to existing sources of noise and that the proposal would in effect encircle Bishop Middleham in a noise trap), biodiversity (that the area is a haven for wildlife and that the agricultural land that is to be lost is habitat to a number of species, mention is also made of the SSSI and the effect on it), demand for the product (no case has been made that there is a demand for the minerals to be quarried and that the other sites are capable of producing the material), the effect of working the proposed extension and the existing Bishop Middleham Quarry would have and that this has not been considered. Reference is also made to the number of sites close to Bishop Middleham as well as to the landbank situation, and the effect on public health from operations at the Works.

- 54 The SLAG document concludes that “the Lafarge application is based on yesterday’s economy and that the future of the Durham economy lies in high technology, tourism and the service sector. Quarrying is doomed to follow mining into the history books as a major economic force. Lafarge were quite willing to remove the Hare and Hounds Public House from the local economy by quarrying it out of existence. In doing so, they were prepared to quarry away the jobs it provides for chefs, waitresses, bar staff, cleaner and management. Lafarge will certainly plead “protection of jobs” in their application – yet were prepared to sacrifice the jobs of others. Durham’s burgeoning industry will not be served by digging more large and unsightly holes in our countryside. Nor will the high profit, high tech industries be encouraged to an area where 19<sup>th</sup> century industries are still being encouraged. The clean cut, futuristic NETPark will not be well served by a noisy, dirty, primary-industry neighbour. Nor will we attract the rural idyll seeking, prosperous and constructive council tax payers of the future to our area by blighting their countryside with scars of this nature. This application represents a backward step into redundant industries and away from the economy of the 21<sup>st</sup> Century.”
- 55 Sedgefield Village Residents Forum has offered its support to the Stop Lafarge Action Group in respect of the proposed development and has also raised a number of concerns. The Forum questions the economic justification and need for the proposed development and has considerable concern regarding the impact such a development would have on surrounding countryside and communities.
- 56 Four letters of support for the application have been received, including one from Steetley Dolomite Limited (SDL), owner of the Thrislington Works. The letter states that SDL operates two works, these being Whitwell in Derbyshire and Thrislington in County Durham. In 2006 the turnover of the business was £26 million and the Company employs over one hundred people both directly and indirectly providing highly skilled jobs and support to the local communities in terms of local goods, taxes

and services. The letter states that SDL is a supplier to the steel industry both in the UK and worldwide and that it is the only supplier to the UK steel industry for Dolomite. It is therefore considered a strategic supplier by SDL and the Government, particularly when considering the balance of payments position, in that exports generate over £7 million in income.

- 57 The letter states that SDL can only exist if the correct quality of raw material is locally available and the Thrislington site is crucial in providing sufficient quantity and quality of stone to meet the future needs of SDL. It is in this context that SDL supports Lafarge Aggregates' proposal to extend the Thrislington Quarry to guarantee the raw material needs of SDL for the future to ensure that all its stakeholders in terms of customers, employees and suppliers are satisfied for the foreseeable future. A second letter sent by the managing director of SDL on behalf of employees of the Thrislington Welfare, states that SDL has 42 direct employees at Thrislington and numerous other individuals who obtain work as a consequence of the site's activity. The letter goes on to state that the future of SDL business and the livelihood of its employees will be reliant on the Committee approving the application.
- 58 A letter detailing the personal observations of Gordon Walkden, Professor in Geology and Petroleum Geology at the University of Aberdeen, who has visited Thrislington Quarry over 10 to 15 years has been received. Over the years he states that he has seen the fundamental changes that have taken place in response to evolving market conditions and how the Company has restructured its operation to remain competitive and to continue to serve the interests of its employees, its shareholders and the local and national economy. He also states that he has seen local operations as carefully managed, sensitively orientated and efficiently performed. He states that he has always been impressed by the level of consciousness that management have shown with regard to the natural environment and community of neighbours that surround the quarry. He believes that whatever the undertakings the Company are offering with regard to potential planning conditions that will reasonably protect the interest of neighbours, the Company will honour these in the interest of all.
- 59 Hall Construction Services has expressed its keen support for the application. It is stated that the current operations on the site significantly support various activities Hall Construction carries out locally including earthworks operations and the production of concrete and aggregate products which provide high levels of employment by the Company within County Durham. The extension would secure the future of the site which would enable it to continue to support local communities and help improve the local economy by employing a significant number of people some of whom have been previously unemployed. It is stated that Hall Construction is a major employer in the County Durham area and wish to continue to support the economic improvement of the County. Wearmouth Construction and Plant Ltd. is also in support of the application. It has traded with and been supported by Lafarge Aggregates Ltd for over 15 years and supports the application as the site is located centrally to supply its operational areas of Durham, Teesside



and Tyneside with a variety of construction materials that are competitively priced. If the quarry were to close after the current planning consent expires in January 2015, aggregates would need to be delivered from further afield resulting in increased material haulage and labour costs along with greater environmental implications such as CO<sub>2</sub> emissions and an increased carbon footprint.

## **Policy Considerations**

### National Policy

- 60 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 overarching approach to minerals planning. The policies in MPS1 are material to decisions on individual planning applications, and it states that where these are not taken sufficiently into account in relevant development control decisions, the Secretary of State may intervene in the consideration of planning applications.
- 61 MPS1 seeks to encourage the efficient use of all minerals for the purposes for which they are most suitable. MPS1 also recognises the need to ensure the supply of minerals which are of national and regional significance and the provision of a separate landbank where there is a distinct and separate market for a specific type or quality of aggregate, for example high specification aggregate. In terms of new development the benefits of extensions to existing mineral sites rather than the creation of new sites is encouraged. In terms of supply the aim is to source mineral supplies indigenously, whilst recognising the primary role that market conditions play. The guidance also states that the planning system should enable the minerals industry, so far as is practicable, to secure productivity growth and high and stable levels of employment, which are central to long-term economic performance and rising living standards.
- 62 MPS2 provides guidance on detailed issues including noise and dust and the need for policies and proposals to take into account the cumulative effect of previous mineral development and new proposals on the locality as well as the proximity of mineral workings to communities.

### Development Plan Policy

- 63 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. The Development Plan consists of the Regional Spatial Strategy for the North East of England (July 2008) (RSS) and the 'saved' policies of the County Durham Minerals Local Plan (December 2000) (MLP).

## Regional Spatial Strategy for the North East of England (RSS)

- 64 The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives. Policy 42 sets out the overall strategy and amongst other matters states that the planning system should ensure that land is made available to provide an appropriate contribution to local, regional and national needs for minerals.
- 65 Policy 43 of RSS (aggregate mineral provision) requires that the planning system should make provision to maintain a landbank of planning permissions for primary aggregates which is sufficient to deliver 156 million tonnes of crushed rock over the 21 year period 2001-2021. Durham has a sub regional apportionment of 99.5 million tonnes of crushed rock over the same period. Policy 43 replaces MLP Policy M2 which specified a previous regional apportionment.

## MLP strategy for working the Magnesian Limestone Escarpment

- 66 The MLP sets out a strategy for working the Magnesian Limestone Escarpment. The MLP was adopted in 2000 following an extended consultation and publicity process about intended policies and a public inquiry. In March 2007 the Secretary of State agreed that a number of MLP policies should be saved for continued use until replaced by new policies within the emerging County Durham Local Development Framework. Until this occurs they provide the key local policies for the determination of minerals planning applications in County Durham.
- 67 The MLP recognises that the special nature of the high grade industrial dolomite resource at Thrislington Quarry justifies an exception to the general presumption against new workings and extensions to existing quarries on the Magnesian Limestone Escarpment (MLP Policy M54). It establishes a comprehensive approach to future Magnesian Limestone working on the Escarpment, aimed at providing for recognised needs whilst minimising the impact of present and future working. High grade industrial dolomite is only found in a narrow east-west band extending eastwards from the A1(M). This is recognised by Policy M18 which seeks to protect a high grade dolomite reserve to the east of Thrislington Quarry. Two site allocations for future working are identified on the MLP Proposals Map, one to the south of the existing quarry (Policy M55) and the other to the east of the A1(M) (Policy M56) that corresponds with the application area but also includes a small area of woodland to the north of Highland Quarry.
- 68 Policy M55 states that an extension west of the A1(M) and south of the existing Thrislington Quarry will be permitted provided that Rough Furze planning permission to the south of the site is relinquished and the production of high grade dolomite products maximum utilisation of the mineral for high grade purposes is maintained, and a satisfactory programme for advanced landscaping, traffic and restoration is agreed.

- 69 Policy M56 states that an extension to the quarry, east of the A1(M) and west of the A177 as shown on Proposals Map Inset 10, will be permitted provided that:
- a) the production of high grade dolomite products remains the primary purpose of mineral extraction and maximum utilisation of the high grade dolomite for high grade purposes is maintained; and
  - b) no working, other than advance preparatory works, takes place within the preferred extension area until:
    - i) supplies of high grade material from within the existing permission area, and the southern extension area as outlined in Policy M55, are substantially exhausted; and
    - ii) advance landscape and perimeter screening works have been implemented; and
    - iii) disposal points, including rail links where appropriate, are agreed; and
    - iv) all lorry traffic can access the strategic highway network in accordance with an agreed scheme; and
    - v) a programme of progressive restoration for the area to include open recreation, nature conservation and agricultural after uses is agreed.
- 70 MLP policies therefore recognise the requirement for an extension to Thrislington Quarry to maintain the supply of high grade industrial dolomite products. It was anticipated that working in the southern area would occur first but, due to the geological factors including faulting and folding of the rock, it is apparent that the purity of the limestone within the existing quarry is declining as working progresses to the south. Better quality limestone from the proposed eastern extension is therefore needed at an earlier stage for blending to meet specification requirements.
- 71 The Company has agreed that a proposal for a southern extension (referred to as the southern preferred area) in line with MLP Policy M55 would no longer be pursued if the eastern extension proceeds. In the future, this commitment would be included in a legal agreement. In addition the Company also proposes to renounce the right to work Rough Furze Quarry immediately to the west of the southern preferred area.

#### County Durham Minerals Local Plan

- 72 There are a number of additional MLP policies relevant to the proposed development. Policy M1 sets landbanks of permitted reserves to be maintained during the Plan period up to 2006 and includes landbanks for crushed rock and burnt dolomite. Policy M3 allows extensions to mineral workings under allocations (including M56) and criteria set out in other MLP policies. Policy M10 identifies preferred areas for dolomite and states that proposals for working within a preferred area will be permitted provided they are consistent with resource management and environmental protection policies of the Plan. Policy M18 seeks to control the use of high grade materials through the use of conditions, planning obligations or other legal agreements as necessary and appropriate. The high grade dolomite reserve referred to in Policy M18 is shown on a plan in the MLP.

- 73 Policy M24 requires that any adverse effects on local landscape character from minerals development is kept to an acceptable minimum and conserves as far as possible important features of the local landscape. It also requires that restoration schemes have regard to the quality of the local landscape and seek to provide landscape improvements where appropriate. Policies M27 and M29 relate to minerals development affecting local nature conservation interests and the need for proposals to incorporate appropriate measures to ensure any adverse impact is minimised.
- 74 Policy M31 relates to archaeology and the need for archaeological field evaluation prior to the determination of planning permission where there is reason to believe that important archaeological remains may exist.
- 75 Policy M34 seeks to protect the best and most versatile agricultural land (Agricultural Land Classification Grades 2 and 3a) from development unless there is no overall loss of agricultural land quality following restoration; or there is a need for the mineral which cannot be met from suitable alternative sources on lower quality agricultural land. Policy M35 aims to prevent development that would have an unacceptable impact on the recreational value of the countryside unless there is a need for the mineral which cannot be met from suitable alternative sites or sources. It also requires adequate arrangements for the continued use of public rights of way both during and after mineral development, either by means of existing or diverted routes.
- 76 Policy M36 requires the incorporation of suitable mitigation measures to ensure potentially harmful impacts from pollution by noise, vibration, dust and mud, visual intrusion, traffic and transport, subsidence, landslip and gaseous emissions are reduced to an acceptable level. Policy M37 seeks to prevent mineral development within 250m (500m where operations involve blasting) of a group of 10 or more dwellings unless it is demonstrated that residential amenity can be protected from the adverse impacts of mineral working.
- 77 Policy M38 states that if a proposal for mineral development would affect the supply of, or cause contamination to, underground, or surface waters, it should not be permitted unless measures are carried out as part of the development to mitigate those impacts throughout the working life of the site and following final restoration.
- 78 The use of legal agreements to ensure that rail use, where feasible, is maximised is promoted in Policy M40. Policy M41 provides for the establishment of disposal points for the transfer of minerals from road to rail provided that they would have an acceptable impact. Policies M42 and M43 relate specifically to traffic issues in respect of minerals development.
- 79 Policy M45 requires that when considering proposals for mineral development the cumulative impact of past, present and future workings must be considered and states that planning permission will not be granted where the cumulative impact exceeds that which would be

acceptable if produced from a single site under the relevant policies of the Plan.

- 80 Policy M46 indicates that conditions will be imposed, planning obligations or other legal agreements sought as necessary to cover a range of issues relating to the satisfactory restoration of minerals sites. Policy M47 provides advice in relation to proposals for the afteruse of mineral sites. Policy M52 states 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.
- 81 The proposed extension to Thrislington Quarry generally accords with MLP policies referred to above although the decision not to work the southern extension means that it departs in part from MLP Policy M56. However, this area is no longer viable in terms of high grade reserves and reinforces the need to go east. Given that the applicant is prepared to forego working in this area on the basis that reserves are substantially exhausted in practice it is arguable that the requirements have been achieved.

#### Need for the mineral

- 82 The special quality of the mineral at Thrislington is widely acknowledged. The Planning Inspector who reported on the Minerals Local Plan recognised the need for the mineral in relation to its importance and comparative scarcity. A British Geological Survey/Office of the Deputy Prime Minister publication dated 2006 'Mineral Planning Factsheet' 'Dolomite' (January 2006, Table 1 updated August 2006) notes that industrial dolomite is economically important and because of the restricted distribution of suitable quality dolomite is recognised as a resource of national and regional importance. It is also stated that there are a limited number of industrial dolomite producers in the United Kingdom and that Lafarge Aggregates Ltd. owns and supplies most of the rock for industrial dolomite production from three quarries (Thrislington, Whitwell in Derbyshire and Cadeby near Doncaster). The publication also notes that the United Kingdom is a net importer of dolomite and that exports to a number of countries take place.
- 83 Thrislington and Whitwell are the only sites producing dolomitic lime for the steel industry in the UK. Material from Cadeby is used for glassmaking and agricultural uses. Similar arrangements are in place at both sites involving a quarry and adjacent works. Lafarge operates the quarries and since September 2004 SDL has controlled the Works.
- 84 Thrislington Quarry supplies the Works with high quality dolomite that is processed in kilns to produce dolomitic lime flux (a substance which is added to a furnace and reacts with impurities to form a slag.) This replaces some of the quicklime used in slag production within the steel industry. As well as increasing slag fluidity, the presence of magnesia also helps to protect and improve the life of the steel vessel refractory lining, which is made of magnesia.

- 85 The applicant has advised that the use of dolomitic lime (Dolomet) in steelmaking varies from plant to plant depending on the quality of the hot metal being refined, the target quality of the steel and specific refractory practices. The consumption of Dolomet is typically in the range 12-20 kg per tonne of steel (12 – 20 tonnes per 1,000 tonnes of steel) in the UK. Consumption varies in other countries with different raw material and practices (e.g. in Sweden usage ranges from 20 – 30 kg per tonne).
- 86 Due to geological conditions high grade dolomite suitable for refractory purposes is a scarce resource that is only found in limited areas of the country including parts of the Magnesian Limestone Escarpment in Durham and around Whitwell in Derbyshire. These areas are identified in existing Minerals Local Plans and, at Whitwell, planning permission has been granted for all five areas allocated in the Derby and Derbyshire Minerals Local Plan adopted in 2000.

#### Markets

- 87 The applicant has provided details of the market for dolomitic products using information from Government sources and from SDL. A report by Oxford Economic Forecasting (OEF) and the Carbon Consortium for DTI on 'Research on Output Growth Rates and Carbon Emissions of Industrial Sectors of EU ETS' (January 2006) is also referred to as evidence of demand for the product. This assesses industrial output growth assumptions to help inform the Government's allocation of carbon dioxide emissions allowances at the sector level. The OEF report refers to a steep decline in steel production between 1997 and 2002 as the sector struggled to come to terms with the value of sterling and low price levels, but forecasts a rise of over 45% in the period 2002 – 2012. The base figure for steel production in 2002 was 11.7 million tonnes and by 2006 this had increased to 13.9 million tonnes.
- 88 The applicant acknowledges that outputs of high grade dolomite products were previously affected by plant closures and operational issues. However, it is also noted that the significant increase in steel production since 2002 was reflected in outputs from key United Kingdom plants supplied by SDL from Thrislington and Whitwell Quarries.
- 89 Production details of a number of SDL's customers (Corus, Thamesteel Ltd and Alphasteel Ltd.) are also provided and all show an increase in output over recent years (2005 to 2007). The purchase of Corus by Tata Sons in 2007 has created the fifth largest producer in the world. Although the future plans of Tata are unknown to Lafarge it believes that this is a positive step for the steel industry and its future in the United Kingdom.

#### Steetley Dolomite Limited

- 90 SDL support the application for the reasons set out in paragraphs 56 and 57. Details of the markets for industrial dolomite products have been supplied which include information on customers, product, method of delivery, use, sales in 2006, 2007 and those forecasted for 2008. Nine

customers are specifically named, eight are within the UK and one in Sweden. In addition various other customers are supplied via Seaham Docks with markets in Germany and Norway. SDL provide 100% of the burnt dolomite requirements of the following UK customers: Corus, Alphasteel, Thamesteel and Intermet. The materials produced are predominately used in the steel industry, but some are used in agriculture, iron and glass fibre production. Road is the principal method of transportation to markets but the Corus Port Talbot works, SDL's biggest customer, is supplied by rail. Normal contract arrangements are for a five year period, although actual contract information is confidential.

- 91 As a company SDL has and continues to make investments in the Thrislington Works. During 2007, £835,000 was invested in replacement plant and equipment including a new compressor to save on electricity usage, and an environmental analyser to meet the requirements of the EA permit. A new kiln pre-heater to improve fuel consumption and reliability and reduce CO<sub>2</sub> emissions was also provided as well as refractory improvements. Over the period 2003-2007 inclusive there has been an investment of £5.95 million in various pieces of plant and equipment at the Works. The ongoing investments indicate that the Company believes there to be a continuing market for its products.

#### Utilisation of the high grade dolomite

- 92 When fully operational it is estimated that annual production of magnesian limestone from the proposed extension area would be 1.2 million tonnes per year of which 400,000 tonnes (33.3%) would be suitable for use as high grade industrial dolomite at the Works. 700,000 tonnes of the remaining magnesian limestone (58.3% of total production) would be used for construction materials/aggregates and 100,000 tonnes (8.3%) for agricultural lime and concrete batching. This material for general use would be obtained from both the Upper and Lower Kiln Feed benches (400,000 tonnes) and from the Lower Civils bench (400,000 tonnes). Wastage from excavation and processing operations is currently estimated to be around 5% of total production although it is hoped to reduce this further so that eventually no waste is produced.
- 93 Annual reports submitted to the Planning Authority by the Company provide a break down of total quarry production. In 2007 the percentage of high grade material sent to the Works from the existing quarry was 31% of overall quarry production and only part of this could be used as kiln feed. The reports for 2002 to 2006 indicate a rise from 37.08% to 58.75% respectively in the percentage of high grade material used in the kilns although this dropped to 51.4% in 2007 largely as a result of changes to physical specifications for the feed. At the top end, the specification is driven by what size of stone the combustion process can burn through. At the bottom end, it is affected by the cleanliness of the smaller fraction. This is weather dependent and in winter in particular the smaller fraction can be dirtier and create difficulties in the kiln if there is a build up of fines.

- 94 Whilst only a relatively small percentage of total production is used as industrial dolomite the applicant considers that reserves are worked as efficiently as possible in accordance with current working and processing techniques to achieve the specification necessary for use in the Works. Only a stone size grading of between 22 - 65mm can be processed in the kilns (as amended by SDL in 2007 from 20 - 60mm). Oversize material outside of the range is returned to the system for further crushing and screening and undersize material is used for civil engineering products and in agricultural limestone production although occasionally it can also be fed back into the kilns. Smaller grade material (less than 4mm) referred to as 'maglime' is also supplied to the Works to be used in the production of Phastlime (trade name for agricultural mixed lime). However, smaller sized products do not sell as quickly as the kiln feed and the applicant considers that it is not in its interests to operate inefficiently to cater for this market although new products and markets are being developed for by-products of the kiln process.
- 95 The applicant has sought to demonstrate that the extraction and the use occurs in the most efficient manner possible for its intended purpose, this being high grade industrial dolomite. Requirements on the use of high grade material have previously been attached to Thrislington planning permissions and if the extension is approved it is proposed that this is again covered by legal agreement. Any agreement would include a restriction on the use of the high grade material and the provision of sales and reserves details on an annual basis. Similar requirements are in place at Whitwell. The applicant is agreeable to this approach and monitoring is set out in paragraphs 178 and 179.

#### Landbanks

- 96 Landbanks are one criterion used to assess the need for new working. Policy M1 of the MLP formally requires the Council to maintain landbanks for a range of minerals including crushed rock and burnt dolomite in order to ensure that the County's contribution to the regional supply of minerals is maintained. A landbank of at least 15 years of burnt dolomite for use in the steel and chemical industries is required to be maintained within the Plan period. Although this ended in 2006, it is envisaged that the allocations at Thrislington would maintain this in the longer term.
- 97 For crushed rock, the MLP sets a landbank of at least 10 years. The North East Region Aggregates Working Party (NERAWP) Annual Aggregates Report for 2006 indicates that the crushed rock landbank in County Durham is 174,647,964 tonnes, equivalent to a landbank of 36.9 years. In quantitative terms there is therefore not a shortage of crushed rock aggregate. However, Thrislington Quarry currently provides a significant proportion of the County's output, contributing nearly 15% of the target for crushed rock production and 24% of crushed rock sales in 2006. County Durham is required to produce 4,737,500 tonnes of crushed rock per annum to meet the requirements of RSS Policy 44 and it has been identified by NERAWP that there is currently a shortfall in annual production. Notwithstanding the landbank position, current crushed rock production is bound up in a few large sites like Thrislington.



A significant reduction in future production through the closure of Thrislington Quarry at the end of the existing permission period would compromise the County's ability to meet this annual sales figure and the target set out in RSS Policy 43. Some of the sites identified in the landbank are not currently being worked and there is no guarantee that these or other sites would come on stream to meet any shortfall in production.

- 98 If it is accepted that there is a need to provide a rolling 15 years landbank for burnt dolomite one unavoidable consequence will be a considerable increase in crushed rock production as other potentially useable minerals, notably aggregates, would also be extracted. The British Geological Survey/Office of the Deputy Prime Minister publication 'Mineral Planning Factsheet' 'Dolomite' (January 2006, Table 1 updated August 2006) recognises that all industrial dolomite quarries also produce significant quantities of crushed rock aggregates.
- 99 Extraction of the Lower Civils bench is not required to enable the high grade material to be worked and this material would be added to the landbank. Nevertheless, the MLP and MPS1 seek to prevent the unnecessary sterilisation of mineral resources. Whilst therefore the life of the site would be increased by the extraction of the Lower Civils, this would be appropriate to avoid sterilisation of mineral resources so long as ground water can be protected. The Environment Agency has no objection to the development in this respect subject to the imposition of specific conditions.
- 100 At December 2007 it was estimated that around 3.49 million tonnes of kiln material and 7.15 million tonnes of civils (material used for aggregate purposes) remained at the Quarry. This is below required landbank figures for higher grade material but in excess of that needed for the aggregates landbank. An extension to the quarry would help maintain a 15 years landbank for burnt dolomite and although not needed in terms of the crushed rock landbank, the increase in aggregates production would help the County to produce its share of the Region's crushed rock requirement.

## **Detailed environmental considerations**

### Residential amenity

- 101 The proposed site lies some 485m west of the closest properties on Stobb Cross Lane, West Cornforth to the east of the A1(M), 2.5km to the west of Ferryhill and 1.2km to the north of Bishop Middleham. Several residential properties lie to the east of the proposed extension area (Hare and Hounds Public House, College House, Mahon House and Campwyn). A further group of six properties (Highland House, Highland Farmhouse and 1 to 4 Highland Farm Cottages) are at the southern boundary and immediately to the west of Bishop Middleham. The proximity of the extraction area to the neighbouring properties would depend upon the phase of working but at its closest would come within 240m of the Hare and Hounds Public House (site boundary and

screening mounds 30m from the property), 230m from College House (screening mounds some 10m from the property), 330m from Mahon House (screening mounds 305m from the property), 480m from Campwyn (270m from the site boundary screening mounds 460m from the property), 220m from properties at Highland Farm (site boundary and screening mounds would be some 25 to 30m from the properties).

- 102 Phase 1 enabling works include the formation of permanent and temporary mounds around the periphery of the site. These are intended to restrict views into the site and act as a buffer to reduce noise. Along the northern boundary soil and overburden mounds to a height of 3m are proposed rising to 4 - 5m in the north west corner adjacent to the A1(M). The large overburden mound at the north east corner closest to the Hare and Hounds would be 12 to 14m in height and 10 to 14m towards College House (most of this mound would be removed in Phase 7). At the point closest to Highland Farm the overburden mound would be between 7 – 10m in height. Along the southern boundary a 5 – 6m overburden mound and 3m high topsoil bund of 3m is intended (this mound would eventually be removed).
- 103 Planting would take place following the formation of the mounds. Those in the north east and south west parts of the site close to the Hare and Hounds, College House and Highland Farm would be tree planted. Scrub and Magnesian Limestone grassland mix would be planted adjacent to the A1(M). Existing hedgerows along the northern and south eastern boundaries would be thickened up and gapped up where necessary. These landscape and perimeter screening works would be implemented prior to the extraction of minerals although the woodland would take some years to mature.

## Noise

- 104 Government guidance (MPS2) advises that during normal working hours (0700 – 1900) and subject to a maximum of 55dB(A)  $L_{Aeq}1h$  (free field), mineral planning authorities should aim to establish a noise limit at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances this will be difficult to achieve without imposing unreasonable burdens on the mineral operator. In such cases, the limit set should be as near to that level as practicable. During the evening (1900 – 2200) limits should not exceed background level by 10dB(A) and during the night should not exceed 42dB(A)  $L_{Aeq}1h$  (free field) at noise sensitive properties. MPS2 also recognises that mineral operations will have some particularly noisy short term activities that cannot meet the limits set for normal operations. These include soil stripping and the construction and removal of mounds. The advice is that increased temporary daytime noise limits of up to 70 dB(A)  $L_{Aeq}1h$  (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered in order to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is expected to take longer than 8 weeks a lower limit over a longer period should be considered and in wholly exceptional

cases, where there is no viable alternative, a high limit for a very limited period may be appropriate in order to attain the environmental benefits.

- 105 A noise assessment has been carried out as part of the ES and for normal operations states that predicted noise levels would be below the daytime and evening MPS2 limits and there would be no significant noise effects as a result of the proposed extension. The 70dB(A) temporary operations threshold would be exceeded at two receptors for certain operations (soil stripping and landscape mound construction at the Hare and Hounds Public House and landscape mound construction around Highland Farm), but due to the very short time for these activities, the effects are not considered to be significant. Phase 1 would take 2 years in total and noise levels would exceed 70dB(A) by up to 4.7dB(A) at the Hare and Hounds Public House and College House and by 2.4dB(A) at properties around Highland Farm for a period of approximately 2 working days. During Phase 1, all operations within 45m of the facade of the Hare and Hounds Public House, College House and Highland Farm properties would not commence before 07:30 on any day.
- 106 The assessment also considers traffic related noise as a result of the change in vehicle movements. On the basis of detailed predictions undertaken for the only receptor likely to be affected (the Hare and Hounds Public House) it is concluded that no significant change to existing levels would occur (the predicted change in traffic noise levels for the most sensitive periods would be 0.4dB(A)). The property lies adjacent to Stobb Cross Lane and Road A177 and that affects the existing noise environment in this location.
- 107 Noise mitigation measures are proposed and include steps to reduce noise levels at source such as setting a minimum 200m stand-off distance between the limit of mineral extraction and residential properties (although temporary operations would take place closer). Programming of operations to ensure that wherever practicable noise generating activities are positioned behind bunds is also intended together with a noise monitoring scheme. Sedgefield Borough Council's Environmental Health Officer (EHO) has no objections to the proposed development and is satisfied that the assessment of potential noise nuisance gives a representative indication of anticipated noise levels. Given that Phase 1 of the development has the potential to cause the highest levels of noise nuisance to local residents he did suggest that the period when works are permitted should be revised to prevent a public nuisance. The applicant has amended the proposed working hours for Phase 1 as a result. The EHO also considers that noise conditions based on MPS 2 guidance to be appropriate and these can be imposed.
- 108 Although representations have been received expressing concern at the proposed operating hours, these are shorter than those agreed in 2002 for the existing quarry. It is considered that the intended working hours represent an acceptable balance between operational and amenity requirements.

## Dust

- 109 The ES has assessed the potential impact of dust from the proposed extension at sensitive receptors. The settlements of Cornforth and Bishop Middleham are considered to be at very low risk from potential dust emissions due to a combination of distance and meteorological conditions (south west prevailing winds). In terms of the properties to the east of the proposed site, it is stated that adverse effects could potentially occur on approximately 18 days per year within this area. The properties at Highland House are predicted to be subject to a slightly higher incidence of dry windy conditions, but the assessment indicates that the existing topography, mitigation measures and existing farm activities would ensure that any adverse effects would not be significant.
- 110 The assessment concludes overall that whilst there is the potential for a small decrease in local air quality due to the proposed development this is unlikely to be significant. Furthermore the wider national air quality criteria levels set out in the Air Quality Strategic objective for PM10s (particulate matter of less than 10 micro-metres in size) are unlikely to be exceeded or change. Given likely PM10 levels post 2010, together with the fact that no communities are located down wind of and within 1km of the site, any adverse effects on human health would be not significant.
- 111 The initial soils stripping and construction of the screening mounds would have most potential to generate dust. Mitigation measures are proposed in accordance with best practice including a dust action/management plan like that in place at the existing quarry. This would provide for the use of water bowsers, sheeting of vehicles, the fitting of drilling rigs with dust collection equipment, and, in dry windy conditions, the temporary suspension of operations giving rise to fugitive dust until additional equipment is provided or conditions improve. Monitoring of dust deposition levels around the site would also take place and results would be made available to the Authority upon request.
- 112 Similar controls are in place at the existing site although dust complaints have been received from residents of West Cornforth and Bishop Middleham. These relate to dust deposition on vehicles and footpaths as well as highway related issues such as mud on the highway. Since 2006 there has been one official complaint regarding dust, although several comments about this issue have been made to officers. Mitigation measures on the existing site appear appropriate and adequate but dust has drifted from Phastlime stockpiles to the west of the C69 associated with SDL. Complaints have also been received in respect of dust from Bishop Middleham Quarry and three of these have been justified. A combination of additional dust measures and a different method of working appears to have improved conditions.

## Blasting

- 113 Blasting is permitted at the existing quarry up to 3 times per day and the number of blasts and blast levels are controlled through planning condition. Over recent years residents of Garmondsway Road have

raised concerns about blasting with the County Council, particularly when this takes place on the north face of the site. However, records indicate that since 2000 only three blasts have been over the permitted upper level. These blasts took place in 2004 and early 2007 and were investigated by the operator and Council officers. The three blasts that were over the limit were in the northern lower civils area of working closest to Garmondsway Road where geological and old mine workings may be the causal factors. Leeds University has undertaken a lengthy study of blasting in this area with extra vibrographs being put in place to correlate results and try to understand why readings can be unpredictable. The removal of water and changes to the blasting methodology have helped the situation and ground vibration perceptions at the residential properties.

- 114 Two blasts per day are proposed in the extension site (originally stated as 3 to 4 times per day). The applicant has also reconsidered the hours of blasting and it is now proposed that these would be between 09.00 – 16.30 Monday to Friday (as opposed to a start time of 08.00), with no blasting at weekends (originally 08.00 to 12.00 on Saturdays). The ES has assessed the potential impacts and notes that the effects of blasting would be perceptible to residents of College House, the Hare and Hounds Public House and properties at Highland Farm at various stages of the development as extraction gets closer to them. However, the design and calculation of blasts would ensure that vibration levels at all nearby properties are controlled and kept within limits set out in Government guidance. Bishop Middleham Quarry has planning permission to blast once each day (Monday to Friday) and it is feasible that blast times could be coordinated between the quarries so as to reduce the impact.
- 115 In November 2007 a number of fissures or holes appeared on open land at Highland House Farm. Concerns have been raised by local residents that this has been caused by a recent change in the blasting regime at Bishop Middleham Quarry and would be exacerbated by blasting at the proposed extension to Thrislington Quarry. Both Lafarge and W & M Thompson, the operator of Bishop Middleham Quarry, have considered this matter. It would appear that there is a major fault zone within the Magnesian Limestone and the underlying coal measures strata, running north north west to south south east, passing through the Highland House Farm area. Fissures of this nature are often associated with such faults and past coal mining activity can contribute to their appearance as a result of the removal of support. The re-charge of groundwater associated with the cessation of pumping in the former coal mines is also likely to be a contributing factor and this has been observed and reported on in several locations on the magnesian limestone deposit within County Durham. The Coal Authority has taken responsibility for the appearance of the fissures and these have now been filled.
- 116 The existing operations at Thrislington Quarry and those at Bishop Middleham Quarry are unlikely to have caused the fissures that appeared at Highland House Farm but the applicant was asked about the possible effects that blasting in the proposed extension could have on this area.

Lafarge considers that it is implicit within the proposed blasting limits for the extension that levels of vibration would be nowhere near those required to dislodge fill material. It is also noted that the nearest working face would be over 250m from Highland House Farm and that it has carried out a comprehensive blast vibration assessment which concluded that no adverse effects are likely at the nearest receptors. A letter to this effect was circulated to the Thrislington Quarry liaison committee members by the Company in November 2007.

- 117 If planning permission is granted for the extension it would be appropriate to impose a range of conditions to regulate the number and level of blasts and ensure that these are appropriately monitored. In this case the Committee may also consider it appropriate for structural surveys to be offered to the residents of those properties surrounding the site. These would be carried out at the expense of the operator and by a suitably qualified person approved by the Mineral Planning Authority prior to the commencement of working and following completion of extraction in Phase 7. The results of the surveys would be made available to the residents of those properties. Whilst the operator does not consider that this is necessary in view of its blast vibration assessment conclusions it has stated that it is willing to offer structural surveys of selected residential properties immediately surrounding the site (the Hare and Hounds Public House; College House and properties at Highland Farm) as a planning requirement covered by legal agreement.

#### Landscape and visual impact

- 118 The site lies on the east-west trending Limestone Escarpment Ridge east of Ferryhill and Cornforth. The ridge in this area is relatively broad and flat-topped. To the north, the escarpment falls to the lowlands of the Wear Valley. To the south, the dip-slope falls to the lowlands of the Tees Plain. The site, like much of the surrounding area, is made up of gently rolling arable farmland with relatively old field boundaries and former hedge lines incorporating a scattering of trees. The site is bounded to the west by the A1(M) and Thrislington Quarry, and to the south by Bishop Middleham (Extension) Quarry and the restored Highland Quarry. To the north, across Stobb Cross Lane, is open arable farmland that is included as part of Cornforth East Quarry. To the east it is bounded by open arable farmland crossed by the A177. The landscape strategy for the area as set out in the County Durham Landscape Strategy is to “restore or enhance’ its character.
- 119 The site is relatively well contained visually, and despite its elevated position, is not particularly prominent in the wider landscape. It is not widely visible from the north, other than from areas of high ground between Coxhoe and Kelloe, and fringing Raisby Quarry. Although it can be seen from the high ground of the main escarpment ridge to the east and west this is in generally very shallow views. The site is not prominent in the middle distance from much of the land to the south, including the village of Bishop Middleham due to the presence of a break in slope or ‘military crest’ that follows the minor road (U35.17) between the A177 at College House and Highland Farm, and continuing south-

west across the A1(M) to Rough Furze. Shallow views are available from the south west including sections of the A177 and at greater distances from the Trimdon / Fishburn / Sedgfield area. Principal views of the site are gained from adjacent roads including the A1(M), Stobb Cross Lane, the U35.17 and the A177, as well as from Harap Road and West Lane to the east. It can be seen from a number of nearby residential properties (Highland Farm, College House, Mahon House) and the Hare and Hounds Public House.

- 120 The proposals would result in a permanent modification of the natural topography of the escarpment ridge as the quarry void would not be restored to existing ground levels and some perimeter mounding would be retained. However, these would limit most views into the restored quarry and, whilst not entirely natural in appearance, would blend reasonably well with the surrounding topography. The larger permanent mounds would be planted with woodland which would help to assimilate them visually over the life of the site and beyond. Removal of the temporary mounds would allow localised views of the residual void in which the damage to the natural topography of the ridge would be evident. However, the relatively high degree of visual containment is such that the topography of the escarpment ridge as a whole would not be compromised in wider views. The more immediate impacts of the proposal on the character of the local landscape would be more substantial and adverse, certainly until such a time as the restored quarry began to mature and become an accepted part of the escarpment landscape. Those impacts would nevertheless be highly localised, and would be reduced as much as is practicable by the mitigation measures proposed.
- 121 Views towards the site from the immediate west (A1(M) and diverted footpaths) would largely be of low perimeter soil mounds with relatively gentle outer slopes, intermittently planted with scrub. These would be of a character similar to roadside cuttings along the A1(M) and therefore would not look out of place. These views would replace more attractive views of open farmland, but given the dominance of the busy A1(M) the impact would not be of significance.
- 122 Views towards the site from the immediate north (Stobb Cross Lane) are generally shallow. Once the perimeter landforms were formed, views would largely be of soil mounds with relatively gentle outer slopes, planted in places with woodland or managed as grassland. Views across the site from the higher ground of the Hare and Hounds Public House / A177 junction would be controlled in part by the higher eastern landform, planted with woodland, and by woodland planting on mounding west of the site entrance. Views from the A1(M) over-bridge would be filtered by woodland planting on mounding in the north-west corner.
- 123 The screening proposals would not be completely effective in blocking views of the site's interior in the earlier stages from higher ground at the eastern end of the lane (A177 junction, Hare and Hounds), but would progressively become so as planting matured and road-side hedges grew

taller. In the short to medium term there would therefore be a fairly substantial but very localised impact in that area.

- 124 The site entrance would offer keyhole views of the site interior, but these would be largely controlled by a low internal soil mound. The exact visual impact in the short to medium term of the site entrance would depend partly from the need to meet sightline requirements.
- 125 The view from some sections of the A177 to the east / south east would generally be of the grassed temporary south-eastern perimeter mound and the permanent eastern and southern mounds planted as woodland. This would limit views into the interior other than in the short to medium term from the junction with Stobb Cross Lane. The temporary mound would create an artificially raised horizon in these views but it would be a low feature and should look sufficiently natural in appearance not to have a substantial adverse impact. This would also be true of the view from Mahon House on the A177.
- 126 Removal of the mound in the later stages of operations could open shallow views from the A177 of the established inner flanks of the screening mounds and part of the extraction face towards the north east corner of the site. Nevertheless these would be fleeting, and would only involve a small section of the quarry face.
- 127 The dominant visual element in relation to College House would be the permanent eastern landform and this would limit views across the site from some first floor windows. The building is orientated such that the main views from windows are to the south and west away from the working area. Nevertheless there would be significant visual impacts in the short term around this area during the construction of perimeter landforms and until these become established.
- 128 From the adjacent U35.17 the view of the site would be primarily of planted or grassed perimeter landforms with relatively gentle outer slopes. Open views across attractive countryside to the north would nevertheless be lost and the impacts during the construction phase would be more significant.
- 129 The permanent western landform would be the closest visual feature for properties at Highland Farm and would involve some loss of outlook to the north primarily from first floor windows. Although the direct effects on the properties from the mounds would generally be low. The overall visual impacts of working on the immediate environment would be of a higher order in view of the approach to these properties along the U35.17 and to the visual affects of mineral working within the vicinity established by Bishop Middleham Quarry to the south.

#### Restoration

- 130 Policy M56 requires a programme of progressive restoration for the area to include open recreation, nature conservation and agricultural after uses. A nature conservation afteruse is proposed comprising magnesian



limestone grassland, woodland, scrub planting, and a water body. This afteruse would meet objectives set out in the Biodiversity Action Plan to increase the amount of magnesian limestone grassland in County Durham.

- 131 Progressive restoration would take place throughout the extraction period commencing with the formation of permanent mounds. During the various phases overburden and retained soils would be placed in storage mounds within the void prior to use. Following the development of the quarry to its maximum extent, the site would be restored to final levels over a 2 years period before going into aftercare for 10 years. A more detailed scheme of restoration works would be submitted for agreement at intervals as part of any planning permission to ensure that a regular review of working takes place during the life of the site.
- 132 Although restoration of the existing quarry is not dependent upon the proposed extension, the application incorporates restoration details for this site to demonstrate that soils from this area could be used as part of these works. An additional 10 ha of conservation grassland is also proposed in the southern preferred area along with an enhancement to the public rights of way in the vicinity.
- 133 Mineral Planning Guidance Note 7: The Reclamation of Mineral Workings (MPG 7) refers to the need to achieve satisfactory reclamation of sites to avoid possible future dereliction and costs to the public purse or other private sources. 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. The Company is of the view that it has the ability and necessary agreements in place to restore the site and refers to its commitment to restoring mineral sites to a high quality and examples of its restoration achievements throughout the UK.
- 134 The Company is a member of the Quarry Products Association (QPA) and as such can benefit from its Restoration Guarantee Fund intended to ensure that reasonable restoration obligations are met. The fund covers financial failure although as Lafarge is a multi-national company the prospect of failure is likely to be remote. If the post restoration responsibilities for longer-term management were subsequently transferred these would also be covered by the fund if that company was a QPA member. Smaller quarry operators that are not members of the QPA may be part of the British Aggregates Association which has its own guarantee fund. At this stage Lafarge believes that any changes in responsibility for aftercare etc (should this arise) are most unlikely to involve a non-QPA member. In accordance with MLP Policy M52 the applicant would therefore appear to be both capable of and committed to the working and full restoration of the site and that safeguards would be in place to ensure that the site can be reinstated.

## Recreational amenity

- 135 Footpath Cornforth 23/Bishop Middleham 13 runs north - south through the application site and would be permanently diverted as part of the development. The proposed diversion would be to the west of the existing route, alongside the A1(M) varying between 150 - 325m from its original position. A 2m high outer soil mound and an inner subsoil and overburden mound of between 3 – 4m in height would be created along the line of the route and quarry boundary. Although walkers would experience some physical disruption from the loss of an established route and new works and including some loss of view at this point on the footpath network, I consider that the diversion is acceptable. This would be completed before any work on site commences to ensure a route remains open at all times and would not unduly restrict or impact on public access to the countryside for recreational purposes.

## Agricultural quality

- 136 The proposed extension area is currently in agricultural use and a site survey has identified that the land is mainly Grades 2 (30 Ha), 3a (20 Ha) and 3b (26.5 Ha), soils which are regarded as being best and most versatile under the Agricultural Land Classification. 56 Ha of the total eastern extension area of 78 Ha would be disturbed and lost by the proposed development.
- 137 Although the loss of high quality agricultural land is a concern this has to be balanced against the need for the mineral and any potential benefits arising from the intended afteruse of the restored site. Supplies of the high grade dolomite cannot in this case be met from alternative locations involving lower quality agricultural land and the proposed afteruse would be desirable in nature conservation terms. MLP Policy M56 refers to agricultural restoration in part and the grassland created would include an agricultural element for possible sheep grazing. However, given the low level form of restoration within a void, the future value and productivity of an agricultural end use is likely to be limited.
- 138 The Company has stated that it would seek to ensure that topsoils are put to appropriate uses off-site and subsoils utilised in magnesian limestone grassland restoration.
- 139 Excess topsoils would be used off site for “sustainable” purposes identified in a soils audit that would form part of an annual report. This would be included as part of a legal agreement and controls on the export of soils to ensure that sufficient material is available to achieve a satisfactory restoration scheme can also be covered by planning conditions. Soils material may also be used at the existing quarry in accordance with detailed restoration proposals for this site. These are to be submitted for consideration following determination of this application in order that any scheme reflects the availability or otherwise of materials. In the event that planning permission was not granted the intention would be to restore the site using on site materials that are currently available or a mix of imported soils.

## Nature Conservation

- 140 The proposed extension lies approximately 160m from the Bishop Middleham Quarry SSSI and 460m from the Thrislington Plantation Special Area of Conservation (SAC). The Carrs SSSI is approximately 2km to the west and Raisby Hill Grassland SSSI is approximately 1.5km to the north east. There are a number of Local Sites (formally known as County Wildlife Sites) approximately 500m from the application site. These being Rough Furze Quarry to the west, Garmondsway Moor to the east alongside the A177 and Garmondsway Triangle near Harap Road to the east. In addition County Geological sites exist close by at Bishop Middleham Quarry, at Rough Furze Quarry and at Thrislington Quarry.
- 141 The nature conservation value of the site has been assessed as low. The application area is predominantly agricultural land in arable use with a small amount of improved pasture and semi-natural broad-leaved woodland. Ecological surveys have been completed and no species of nature conservation importance were identified.
- 142 Bat and badger surveys have not been carried out but neither English Nature or the Council's ecological advisor consider that the proposed development would impact upon protected species, although periodic surveys are requested as a planning requirement. Appropriate mitigation measures would be put in place should any protected species be found and to safeguard nesting birds from soil stripping in the bird breeding season.
- 143 The restoration proposals has been designed to provide nature conservation benefits in the context of the Durham BAP and the MAGical Meadows Project. Increasing the area of magnesian limestone grassland, extending the grassland around key biological sites (Thrislington Plantation and Bishop Middleham SSSIs) and providing connectivity between existing and new areas of grassland would contribute in this respect. The applicant is also proposing to render inoperative the right to work the extant planning permission at Rough Furze which is of high nature conservation interest and to enter into a Section 39 Agreement for the long term management of the site. The proposed mitigation measures included in the overall scheme, including advanced planting and a comprehensive programme of restoration and management, would outweigh any adverse impacts that working would have on the existing ecology of the area and create a more varied wildlife habitat.

## Hydrology

- 144 The site lies on the Magnesian Limestone and Yellow Sands Major Aquifers and the Coal Measures Minor Aquifer and is partly within a Source Protection Zone associated with a public water abstraction borehole utilised by Hartlepool Water some 7.3 km from the site.

- 145 Mineral extraction is proposed below the water table and dewatering would therefore need to take place. It is proposed that water collected in the base of the quarry is returned to the local aquifers. The ES concludes that a number of activities associated with quarry working would have a potential effect on the water environment. The main potential impact would be the loss of resource to the underlying aquifers and the associated Waterloo and Butterwick (not currently operational) public water supply abstractions. The ES attempts to quantify the depth and extent of drawdown in ground water levels and the likely rate of groundwater inflow into the void, although it is acknowledged that these are conservative approximations. Nevertheless, the proposed mitigation measures, including the recharge of waters back into the aquifers, quarry water management, pollution prevention and accident response and careful restoration, make allowances for these uncertainties, and it is considered that the impacts on the groundwater regime would be acceptable.
- 146 The EA had some initial concerns but is now satisfied that the aquifers can be protected from potential impacts of the proposed development through a series of planning conditions that have been produced in association with the Agency. The views of the EA are contained in paragraphs 37 to 39.

#### Archaeology

- 147 A desk based assessment and field evaluation works on approximately 50% (2 fields) within the application site has been carried out. It was not possible to secure access rights to the remaining two fields for either geophysical surveys or trial trench evaluation works and desk top appraisals indicate that there are archaeological remains within these two fields which would require further mitigation should planning permission be granted.
- 148 Within the area surveyed prehistoric activity was evident in the north west field. The south east field yielded fewer archaeological remains and the features which were recorded appear to date to Medieval and Post-Medieval agricultural activities or were undetermined. There have been no finds which suggest that any features of national significance exist within the two fields surveyed. The Director of Adult and Community Services therefore considers that the Council has sufficient archaeological information to determine the application subject to the imposition of suitable planning conditions relating to archaeological matters. Prior to the commencement of the development further assessment of the areas not yet evaluated would be required.

#### Cumulative impact

- 149 Central Durham has been subject to mineral extraction on the Magnesian Limestone Escarpment for many years and there are a number of the quarries in the immediate vicinity of the application site. These include Bishop Middleham Quarry to the south (mineral extraction until 2015 with restoration by means of waste disposal by 2021), Coxhoe (Raisby) Quarry

1.4km to the north east (planning permission to extract mineral until 2018 and restoration 2 years thereafter), and the existing Thrislington Quarry to the west (planning permission for mineral extraction until 2015). Cornforth East and West Quarries lie immediately to the north of the application area across Stobb Cross Lane and both have planning permission for mineral extraction until 2042. In addition a dormant existing quarry, Rough Furze, adjacent to the Thrislington site has planning permission to 2042. A former limestone quarry restored by waste disposal in 1995 is located at Highland Farm immediately to the south of the site.

- 150 The ES has had regard to the cumulative affects on the locality of working existing sites and the likely affects of combined further working of permitted sites. In terms of the area to the south of the proposed extension around Highland Farm, it would be over 20 years before extraction in Phase 6 approached the southern boundary and by this time working at Bishop Middleham Quarry would have ceased. The construction of perimeter mounds when the development commenced would mean that there would be combined working in this location at some point but this would occur for a limited period of a few weeks and would not significantly add to the impacts of Bishop Middleham Quarry over a prolonged period as mineral activities would thereafter largely be focused on the northern part of the proposed extension site.
- 151 More limited information is available regarding the method of working and predicted environmental effects from Cornforth Quarry to the north. Working in Cornforth East before 2007 was restricted by legal agreement and still only takes place on a sporadic basis each year. Tarmac, the owner, has confirmed that it has no immediate plans to commence operations at Cornforth East or indeed Cornforth West. Any substantive future working would be in a southerly direction east of the A1(M) then eastwards towards the Hare and Hounds Public House before proceeding northwards. The site boundary is some 50m from the Hare and Hounds but mineral extraction would take place some 230m from the property and soil mounds would be positioned 120m away. As part of Cornforth East Quarry planning permission also exists for an area west of the A1(M) approximately 185m from Cornforth but a new scheme for working and restoration would need to be agreed for this area before extraction could begin. The boundary of Cornforth West Quarry is some 90m from the closest properties in Cornforth.
- 152 The timing of any recommencement of working at Cornforth East would affect the degree to which quarry operations take place around Stobb Cross Lane. Due to initial working around the existing quarry void towards the north of the site and a progressive move south of the quarry face in the proposed extension minerals operations on both sites would not converge. In any event screen and noise attenuation barriers and planting would be in place close to the Hare and Hounds. Significant adverse effects of a cumulative nature are not therefore expected in this area. Based on noise predictions in the ES for instance the applicant considers that the amount of plant operating within the proposed extension area during normal operations could be doubled and still be within the MPS2 limits.

- 153 The current Stobb Cross Lane access to the Cornforth quarries lies to the west of the A1(M) and Tarmac has indicated that it has no intention to change this arrangement, although permission exists for a further access to the east of the motorway and could come into use if quarrying recommenced to a substantial extent at Cornforth East. There are no restrictions on lorry movements and daily levels similar to those at Coxhoe Quarry could potentially occur if they were operating near capacity. (Current daily HGV movements at Coxhoe are 232 (116 in/116 out) Monday to Friday and 116 (58 in/58 out) on a Saturday). Because of the element of uncertainty surrounding the nature and timing of future working, total lorry movements from the proposed extension and Cornforth sites may not reach the maximum levels permitted. Nevertheless potential HGV traffic levels from Cornforth were taken into account in considering the Review submission at Cornforth Quarry East and that was considered acceptable in highways terms.
- 154 The only time that the cumulative effects of blasting and vibration would be a potential issue in the area would be if separate blasts in the quarries arrived at one of the receptor locations at precisely the same time. This is considered to be extremely unlikely because of the distances between blasting operations. If planning permission is granted the applicant is willing to co-ordinate the management of blasting operations to ensure that they are carried out at different times. This practice is currently undertaken at the existing quarry in relation to blasting operations at Bishop Middleham Quarry.
- 155 The ES considers that the cumulative visual effects of quarry working are likely to be limited to middle and long distance views from elevated roads and footpaths to the east as many of the closer visual receptors have views affected by topography, vegetation or screening mounds. Notwithstanding the applicant's assessment it is considered that the close location of quarries to the north, south and west in close proximity of each other would have a more substantial cumulative impact on the character of the local landscape. Open views from the road and footpath network would generally be replaced and be of a much more contained nature as a result of perimeter mounding and planting. That impact would be felt mostly on Stobb Cross Lane, the U35.17, and diverted footpaths along the A1(M).
- 156 There has been a succession of mineral and waste operations within the vicinity of the application site that have affected the environmental character and quality of the local area and perceptions of it. This has heightened sensitivities about continued working within some local communities and its impacts on the quality of life. These concerns have some justification and it is accepted that any large-scale excavation will give rise to cumulative environmental effects on its own and in combination with nearby sites regardless of appropriate mitigation measures. Nevertheless, having assessed the likely environmental effects of the proposed development and the relationship of the site to neighbouring quarries, settlements and the closest properties, it is considered that the known programme of working in the area and its

impacts would not give rise to unacceptable cumulative effects of an adverse nature.

- 157 The allocations made in the MLP to extend Thrislington were made in the full knowledge of the planning history of the area. In accordance with Government requirements the County Council is now preparing a series of new style Minerals Development Plan Documents (DPDs) to replace the existing MLP. Proposed extensions to a number of active mineral sites on the Magnesian Limestone Escarpment, including a westerly extension to Bishop Middleham Quarry and southerly extension (southern preferred area) to the existing Thrislington Quarry, have been put forward by operators as part of this process and included for consultation purposes in the County Durham Minerals and Waste Development Framework Minerals Issues and Options Report (November 2005). However, none of these suggested extensions currently have any planning status and Lafarge has indicated that it would no longer pursue a southerly extension if planning permission is obtained for its current proposal. Work is progressing on the preparation of the new development plan documents and any future planning applications in relation to existing quarries would need to be assessed on the merits of the proposal in the light of relevant planning policies, Government guidance and other material considerations. Whilst the future intentions of operators cannot be predicted with certainty it is the case that a number of existing quarry permissions in this locality will come to an end within the next Plan period.

#### Traffic and access

- 158 Thrislington Quarry is currently served by two vehicular accesses and a rail head. Associated weight restrictions, traffic calming measures, and quarry traffic routing arrangements have been introduced to keep extraneous lorry traffic out of the communities of Cornforth, Bishop Middleham, and Ferryhill. A new entrance onto Stobb Cross Lane east of the A1(M) is proposed and would replace the existing access to the west of the motorway once the tunnel has been constructed. The route proposed for lorry traffic leaving the site to access the strategic road network would be via Stobb Cross Lane to the A177 and then north or south. Vehicles should not cross A177 to use the roads C24 and C23 and would be controlled through legal agreement.
- 159 An average of 180 heavy goods vehicles a day are currently permitted to leave the site, although this figure is rarely achieved. The survey conducted on Stobb Cross Lane as part of the traffic assessment shows an average of 63 HGVs per day in both directions. However, the baseline was low and is not considered to be representative of actual levels. Traffic counts carried out by the County Council have shown an average of 130 HGVs per day. The proposed 123 vehicles per day would therefore exceed the survey traffic levels but not the permitted flows.
- 160 No allowance has been made for the potential traffic flows from the Cornforth East quarry which would have a vehicular access onto Stobb

Cross Lane to the east of the motorway. The vehicle movements expected to be associated with Cornforth Quarry are set out in paragraph 153. The use of two accesses onto Stobb Cross Lane has previously been assessed by the Head of Highway Management Services when considering the planning application for Entrance 2 and when considering the review submission under the Environment Act 1995 for Cornforth Quarry. Stobb Cross Lane and the A177 junction have been assessed as capable of carrying the traffic from Cornforth Quarry.

- 161 The Head of Highway Management Services considers that the Stobb Cross Lane / A177 junction at the Hare and Hounds Public House has performed well during current extraction operations at Thrislington. There is no capacity problem with the junction, the layout is safe and no personal injury accidents have been recorded here during the last 10 years. It is not considered that traffic associated with the proposed quarry extension would cause this to change.
- 162 Bishop Middleham Parish Council and Sedgfield Borough Council have suggested the possibility of a separate minerals road servicing the proposed extension and Cornforth Quarries. The Head of Highway Management Services considers that this option would involve vehicles from one or other of these sites having to cross Stobb Cross Lane to join the haul road. All quarry traffic would then have to rejoin Stobb Cross Lane in the vicinity of the A177 junction at the Hare and Hounds. This is not supported in highways terms as it would result in extra quarry traffic crossing Stobb Cross Lane and an access nearer the A177 junction. The agreement of operators to such an arrangement would also be needed.
- 163 The Head of Highway Management Services considers that it would be safer overall for Stobb Cross Lane to carry traffic from the two quarries via modern accesses. Any dirt transported onto the highway would be dispersed by the time vehicles reached the A177 junction whereas there would be no safety margin with an access close to the Hare and Hounds Public House. The option of a haul road solely for Thrislington Quarry would have the same problems apart from the crossing of Stobb Cross Lane. The Head of Highway Management Services can see no benefit in the haul road proposal apart from removing HGVs from a road which, anyway, carries a low volume of traffic. Stobb Cross Lane has a footway along one side of the carriageway for the whole of its length. The road was also strengthened in the past to cater for quarry traffic.
- 164 Once constructed, high grade mineral for use in the kilns would be transported to the Works via the proposed tunnel under the A1(M). It is estimated that around 40% of SDL's products are transported by rail, the rest by road. Aggregates extracted from the site would be transported by road as currently occurs. The mineral intended for aggregate use currently goes to local or regional markets and it would not be feasible or economic to use the rail link for this purpose. Tonnages are also likely to be less than a train could economically carry. Nevertheless, the applicant has stated that maximum use would be made of the existing rail link where feasible and its potential reviewed on a regular basis, in the light of changing market circumstances and opportunities including



deliveries to markets further away. To ensure that this occurs details of investigations into the use of railway transport would be submitted in an annual report secured through a legal agreement (refer to paragraph 179). This would also ensure that the rail siding remains open for mineral use.

- 165 Potential highway issues relating to the sheeting of vehicles leaving the site, provision of wheel washes, maintenance of haul roads and cleanliness of the adjacent highway would be controlled by planning conditions. In addition the new vehicular access would need to be constructed to a specification agreed by the County Council. There have been problems over the years concerning the effectiveness of wheel cleaning at the existing entrances and this has given rise to complaints from members of the public and steps have been taken by the operator to improve performance. New wheel washes are proposed at Entrance 1 and 2 and an annual review of the operation and effectiveness of the wheel wash facilities would be included in the annual report.

#### Socio-economic issues

- 166 One objective of the MLP in relation to the provision of minerals is to assist in retaining employment, where this is achieved consistent with resource conservation and environmental protection. The proposed extension would safeguard existing employment at the Thrislington site which provides a relatively small but important number of jobs. 61 people would be employed at the site (in office, quarry and haulage jobs (including contractors), together with downstream products (ready-mix) and recycling employees) associated with the development. A further 42 people are employed by SDL at the Works which currently relies on material from the quarry. In addition this helps to maintain employment within the steel industry. According to the Thrislington Quarry Newsletter (Autumn 2007) the vast majority of people who work at the quarry and Works live locally within a 15 mile radius.
- 167 Further contributions to the local economy are linked to the direct and indirect purchase of supplies and services from the Company and through employee spending. Minerals and mineral based products from the site also contribute to the balance of payments through exports and imports substitution and help to maintain jobs in the steel industry. The continued economic importance of industrial dolomite is recognised by Government.
- 168 Apart from the provision of employment the Company is involved in supporting the local community in a number of ways. At one level this has included the provision of building materials, land or work for local projects (stone to the Groundwork Trust at the Surtees in Ferryhill, Bishop Middleham school and local residents for various uses including improving local access, land donated for the creation of a 5-a-side football area in West Cornforth). A number of financial contributions have also been made to local events and activities.

- 169 The existing Thrislington Quarry liaison group provides a forum for the operator and community representatives to engage with each other about quarry related issues, activities and concerns. This would continue and extend its membership to interested parties around the site as part of any development.

#### Alternatives

- 170 The ES considers that there are no alternatives to the proposed development that would enable access to high grade dolomite of the required properties. If the extension is not worked it is believed that this would result in quarry and plant closures with knock-on effects to the steel industry in the United Kingdom.
- 171 It is pointed out that an eastern extension to the quarry has previously been recognised by the County Council and endorsed by MLP policies. This is one of only two allocations on the limestone escarpment within the County with identifiable reserves of high grade material. One of these, the southern extension is no longer considered to be a realistic alternative as it would not provide the quality of mineral needed for blending. In addition the MLP places restrictions on working elsewhere on the Magnesian Limestone Escarpment and the Works could not be supplied from other permitted sites in the area.
- 172 While in theory the Works could be supplied from Lafarge's Whitwell Quarry in Derbyshire that site already supplies other customers and is seen as complimentary to the Thrislington operations rather than a replacement. The processed stone from Thrislington that supplies steel industry customers in South Wales also has the advantage of being rail linked, Whitwell is only served by road. In addition the distance from Whitwell to Thrislington Works is a significant constraint in terms of transport costs and would be a less sustainable option. Maintaining processing sites adjacent to the mineral reserve is therefore the preferred economic model. Although reserves exist at Whitwell they were granted planning permission to meet the needs of that quarry and works and may not easily be made available for use at Thrislington.
- 173 Whilst alternative strategies to work the site may be feasible these are considered to be less environmentally acceptable. The proposed working method has been developed with a view to forming a tunnel as soon as possible, to minimise kiln feed traffic movements between the two sites. If this approach is not adopted there would be prolonged movements of kiln feed involving use of the road. The proposed working method also allows for comprehensive mounding to be put in place to provide screening and noise attenuation at the earliest point and the utilisation of much of the quarry waste in Phase 1, minimising the need to transport material by road in the short term.
- 174 Variations to the working life of the site have been explored but it is considered that the proposed timescale provides the necessary flexibility to cater for possible quieter periods in the market, for initial lower production in the early years of the project, the sale of additional material

from the soft civils bench and the need to manage significant quantities of overburden throughout the project which could impact on production. The applicant does not consider therefore that a shorter working period would be appropriate.

## **The Works**

- 175 Although the Works is not part of the application site and in separate ownership it has close linkages to the quarry. It is therefore important that it should operate in an environmentally acceptable way. The plant was developed under a number of old planning permissions that provide limited control on operational matters. Emission levels and related standards are applied by the Environment Agency through an Environmental Permit (formerly known as a Pollution Prevention and Control Permit).
- 176 The permit was varied in December 2005 to incorporate the requirements of the Waste Incineration Directive. This was introduced to achieve a high level of environmental and human health protection by requiring the setting and maintaining of tight operational conditions and emission values. Under the Permit the plant has emission limits to air that are set and regularly monitored to national/international standards. Accredited contractors on behalf of the Environment Agency also undertake checks on the monitoring of air emissions.
- 177 The Environment Agency has advised that there has been some recorded non-compliance with the permit emission levels since the new standards were introduced (January 2006 to July 2007) in relation to dioxin/furan emissions, although levels were within the original PPC permit limits. The operator has since implemented an action plan to ensure compliance with the permit emission limits which appears to be successful. As part of the Pollution Prevention and Control Permit consultation the Food Standards Agency and Durham and Darlington Health Authority were satisfied that there were unlikely to be unacceptable effects on the human food chain from processes at the Works and no appreciable risk to the health of residents in the area.

## **Legal Agreements**

- 178 As the principal justification for an extension to Thrislington Quarry is the importance of the high grade dolomite resource, it is imperative that its extraction and use takes place in the most efficient manner possible and that it is not utilised for general aggregate or lower grade purposes. The applicant has therefore agreed to enter into a Legal Agreement to secure this requirement if planning permission is granted. This would supersede the legal agreement that is currently in place at the quarry and is now outdated.
- 179 The Agreement would place controls on the use of high grade dolomite and require the submission of an annual report detailing its percentage and use relative to aggregates production and sales information. Annual reports would also cover production and reserves figures, noise, dust and

blast monitoring results, lorry routeing and rail usage, extended aftercare for the restored site, a soil audit and site working review. Structural surveys of selected residential properties immediately surrounding the site would also be a requirement. The applicant has also agreed to enter into an updated agreement under similar terms for the existing Thrislington Quarry.

- 180 If planning permission is granted for the extension application the Company has agreed to give up the right to work Rough Furze Quarry under an old planning permission (an objective under MLP Policy M55) and not pursue further working in the adjacent southern preferred area that is an allocated site under MLP Policy M55. These matters would also be covered by the legal agreement.
- 181 The Company is the freehold owner of about 39% of the land to the east of the A1(M) and has the right to extract the mineral from the remainder of the site and to restore it. The Company can only guarantee the long term management of the part of the site that it owns. The remainder of the site will eventually revert to the landowners who will have the control of the use of their land.
- 182 The Company has agreed to enter into a legal agreement for the management in perpetuity of its part of the site for nature conservation. Similar agreements would also be put in place in respect of Rough Furze Quarry and the southern preferred area should planning permission be granted.

## **Conclusion**

- 183 Thrislington Quarry is an established minerals site with a planning history dating from 1954 and a current permission that extends to January 2015. The importance of the high grade dolomite resource (as well as aggregates) at the permitted site and adjacent land has been recognised over many years within countywide planning policy documents (The Magnesian Limestone Escarpment (Minerals and Landscape Restoration) Local Plan (July 1986), County Durham Structure Plan (March 1999) and most recently in the adopted MLP. This is also acknowledged in British Geological Survey publications. The proposed extension area is identified as a preferred area for working in Policies M56 and M10 of the MLP. The Plan will be replaced by new minerals policies as part of work to prepare the new County Durham Local Development Framework but in the interim these policies remain relevant and have been formally saved for continued use. The principle of working high grade mineral on the land is therefore established, subject to the criteria in MLP Policy M56 and detailed environmental considerations.
- 184 One of the key planning considerations surrounds the need for the material. Whilst it is impossible to predict future market trends or ownership issues with absolute certainty, it is evident that there is currently a demand for the high grade material by SDL at the adjacent Works. Details have been submitted of the customers and markets

supplied by the Works within the UK and overseas to support this assertion. Securing future supplies of material would therefore have a number of economic benefits at the local level and nationally in terms of markets and exports. Conversely if new sources of material are not obtained in an economic manner this is likely to affect the continued viability of the Thrislington operation in so far as the processing and supply of high grade dolomite for industrial use is concerned.

- 185 Whilst the nature and location of markets is not a direct planning issue, the use of the material for its designated purpose is a matter that needs to be weighed and addressed. In this respect the Company has provided information on how the material is processed and in what quantities. It is also prepared to enter into a legal agreement to ensure that production is tied to its high grade use in the future and that adequate safeguards are put in place to monitor progress and performance.
- 186 The legal agreement would also remove the right to work existing planning permissions at Rough Furze and the southern preferred area and allocation in the MLP. This would mean that there would be no prospect of further working to the south of the existing site when extraction ceases here in 2015. This would be a positive benefit of the scheme and would facilitate the creation and management of new areas of nature conservation interest close to the national nature reserve.
- 187 The Company has indicated that because reserves of high grade material from the existing working areas are substantially exhausted and declining in quality it needs to start blending this with material from the proposed extension from 2011 to maintain a satisfactory kiln feed mix. If planning permission is not forthcoming it is likely that existing reserves, although relatively small, would be sterilised for high grade use and/or used as part of aggregate production. The land bank for high grade material is already below the 15 years requirement in the MLP and this would compound the position. In any event there is no prospect that this requirement could be met without an extension to the east.
- 188 Working of the proposed extension would also have implications for crushed rock reserves in the County, as much of the magnesian limestone is only suitable for general aggregate use and has to be worked to gain access to the high grade material. Although there is no need for this rock in terms of the land bank, it would avoid sterilisation of a mineral resource and contribute to ongoing County requirements to meet regional apportionment targets. In doing so it may also reduce the need for further new sites or extensions to existing quarries in this respect.
- 189 Any detailed scheme of mineral working, particularly one of the scale and duration envisaged at Thrislington, is likely to have significant effects in the local area. Those effects can be magnified in situations where there is a high level of existing or intended mineral activity. Within this context there is no doubt that the proposed extension will impact on the visual and residential amenities of the area and that the occupiers of those properties closest to the site will experience varying and at times

significant disruption from site working over an extended period. Whilst the physical proximity of the site to properties imposes some limits on what can be achieved to minimise the environmental impact of working, the scheme has nevertheless been designed so that an acceptable co-existence can be achieved and maintained between the different uses.

- 190 The construction of perimeter screening mounds is likely to be the most physically disruptive element of the scheme for neighbouring residents. However, this work would take place over a two years period and once the mounds are in place and planted they would moderate the worst effects of site working in the phases. Sufficient standoff distances from the quarry face and void would thereafter be maintained and a series of mitigation measures to keep the effects of noise, dust and blasting within recognised limits would be employed. These would be subject to regular review and reporting as part of a schedule of planning conditions and legal agreement requirements and through a local liaison committee that would be set up. Any planning permission would also be subject to a full review of conditions every 15 years under existing planning legislation.
- 191 The proposed development would add to the number of quarries in the immediate locality and there is the possibility that three sites to the east of the A1(M) between Bishop Middleham and West Cornforth could operate simultaneously at some point. The cumulative impact of quarrying on the area is therefore a valid planning consideration. These combinations would reinforce the adverse effects of working to an extent, but active working areas within the sites would not generally converge towards the small number of residential properties close by at the same time. Within the phasing programmes and in agreement between the operators, activities such as blasting can also be staggered to maintain a reasonable degree of spacing to help reduce potential disturbance. Although there are some uncertainties about the timing of future working at Cornforth East in particular, it is considered that the proposed extension can co-exist with existing workings in terms of environmental impacts over the life of the development. During this period mineral working at Bishop Middleham and the existing Thrislington site is also due to cease in 2015.
- 192 The proposal would affect the landscape character of the area but the principal impacts of working would be seen at the local level and immediately around the site. Although the site has some visual appeal as undisturbed open farmland, it is not especially distinguished or sensitive in landscape terms. It would permanently be changed by the development but the process of progressive restoration and implementation of the final landform would ensure that the changes are managed and ultimately addressed in a manner that would avoid irreparable landscape damage. There would be a loss of some 50 ha of the best and most versatile agricultural land, but this is unavoidable if the material is to be extracted. The combination of open recreation nature conservation and agricultural afteruses would also provide a number of landscape and biodiversity benefits in line with landscape character assessment and biodiversity action plan objectives.

- 193 The development would give rise to HGV traffic movements above existing recorded levels on Stobb Cross Lane but these would be within permitted figures under the existing Thrislington consent. The Head of Highway Management is satisfied with the proposed traffic arrangements and capacity of the road network to cater for the movements involved. The total number of vehicle movements on this part of the highway would decrease once the tunnel is constructed. Continued use of the mineral line at the Works would keep some heavy goods traffic off the road network and there may be opportunities to develop this further in response to changing market conditions and transport costs.

### **Recommendation and Reasons**

- 194 Having regard to the Development Plan and other material planning considerations including those arising from the submitted Environmental Statement, consultation responses and public comments, I conclude that the proposal would substantially accord with the requirements of Policy M56 of the MLP and that sufficient safeguards would be put in place to allow the site to be worked in an environmentally acceptable way.
- 195 I therefore **recommend** that planning permission be granted for the proposed eastern extension to Thrislington Quarry, subject to appropriate controlling conditions and the completion of appropriate legal agreements, for the following reasons:
- i) The site is allocated in MLP Policy M56 for the extraction of high grade dolomite for which there is a continuing economic need and the primary purpose of the development would be to extract and process this material for high grade use.
  - ii) The impacts of the development, including cumulative, 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 M45.
  - iii) The renouncing of rights to work Rough Furze Quarry together with its long term management would conserve an existing site of high nature conservation value and no working of the allocated southern preferred area would provide an opportunity for the creation of a new area of nature conservation interest in line with MLP Policies M29 and M47.

### **Minor Departure from policies contained in the County Durham Minerals Local Plan (2000)**

**Background papers:** Planning application, certification and Environmental Statement dated 1 March 2006, supplementary correspondence and information, consultation letters and responses, and representations on the application file CMA/7/55.

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**Contact:** John Byers Tel: 0191 383 3408  
**Local Members:** Councillors B Avery and C Potts (Chilton) and  
Councillors D Brown and J Robinson (Sedgefield)

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**District: Sedgefield**  
**Planning Application No: CMA/7/55**  
**Proposed Development: Proposed eastern extension for the extraction of magnesian limestone and restoration to nature conservation uses at Thrislington Quarry, West Cornforth for Lafarge Aggregates Ltd**

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**Key Facts**

Site area:	91 Ha in total. 78 Ha proposed extension area (area of excavation 56 Ha) 12.5 Ha in existing quarry 0.5 Ha in the tunnel
Existing land use:	Approximately 76.5 Ha of agricultural land (Grade 2 (30 Ha), 3a (20 Ha) and 3b (26.5 Ha)) approximately 1.5 Ha of woodland and existing quarry.
Proposed land use:	Nature conservation, comprising 44.5 Ha magnesian limestone grassland, 14 Ha woodland and scrub planting and a 17 Ha water body with 2.5 Ha of marginal planting around the perimeter of the water body. An additional 10 Ha would be created in the southern preferred area to the west of the A1(M).
Mineral resources to be extracted:	Approximately 29 million tonnes of Magnesian Limestone. Approximately 1.2 million tonnes saleable material per year.
Use of mineral resources:	To be used in the kilns at the adjacent Thrislington Works. The industrial dolomite is turned into a material used as a refractory product in steel making. Limestone that does not meet kiln specification would be used as construction material.
Details of tunnel:	It is proposed that the tunnel would be 40m below the A1(M) and be 200m long, 6.4m high and 7.2m wide.
Blasting:	Blasting is proposed (2 blasts per day). 09.00 - 16.30 Monday to Friday
Duration of working:	32 years extraction plus 2 years restoration and 10 years aftercare (5 years being additional to the statutory 5 years)



Hours of operation:

Proposed Working Hours during Phase 1 Only

07:00 – 18:00 Monday to Friday

07:00 – 13:00 Saturday

No operations Sundays

During Phase 1 all operations within 45m of the facade of the Hare and Hounds Public House, College House and the properties at Highland Farm would not commence before 7.30am on any day.

Proposed Working Hours for Remainder of Operational Period (\*finishing time originally proposed)

*Blasting*

09:00\* – 16:30 Monday to Friday only

(\*08:00)

(08:00 – 12:00 Saturday\*)

*Drilling*

06:30 – 17:00 Monday to Friday (\*17:30)

06:30 – 12:00 Saturday

*In-pit processing*

06:00 – 20:00 Monday to Friday (\*22:00)

06:00 – 14:00 Saturday and Sunday (\*16:00)

*Haulage to and from Thrislington Works*

06:00 – 20:00 Monday to Friday (\*21:00)

06:00 – 14:00 Saturday and Sunday (\*16:00)

*Haulage of aggregate from site*

06:00 – 19:00 Monday to Friday (\*21:00)

06:00 – 14:00 Saturday and Sunday (\*16:00)

*Servicing, maintenance and testing of plant*

06:00 – 21:00 Monday to Friday (\*22:00)

06:00 – 16:00 Saturday and Sunday

Lorry movements:

Daily maximum 250 in/250 out

Daily average 123 in/123 out

Lorry routeing:

Via new access onto Stobb Cross Lane. Lorries would turn right onto Stobb Cross Lane and then travel north or south on A177. Mineral would also be transported on the internal haul road to take kiln feed material to Thrislington Works. Existing Entrance 1 would continue to be used but its use would diminish over time.

Employment:

61 - total direct labour force (office, quarry and haulage staff (including contractors), together with downstream products (ready-mix) and recycling employees.

42 – people employed at SDL's Thrislington Works

**Summary of grounds for objection and concerns expressed by members of the public in respect of the application.**

**Residential amenity**

- The proposed measures to address matters of visual intrusion, transport, noise disturbance, dust and drainage have not been adequately dealt with by the proposal.
- Concerns relating to dust and affecting nearby properties and businesses. References to dust problems from existing quarry despite strict controls and concerns that quarrying activities would be coming closer to properties.  
*Comment: Dust is considered in paragraphs 109 to 112. Should planning permission be granted conditions would seek to control dust emissions. The existing site is monitored by the County Council and any breaches of condition are investigated.*
- The proposed close proximity of quarrying operations to residential properties, working hours and noise considerations. Quotes from a Planning Inspector's decision in 1981 are made regarding noise at the existing quarry. It is quoted that blasting would be unacceptable at distances less than 350m yet certain properties would be within 100m of the proposed extension.  
*Comment: Noise impacts are considered in paragraphs 104 to 108. Blasting is considered in paragraphs 113 to 117.*
- The mitigation measures proposed should be strengthened and the quarry working hours reduced to 07.30 to 20.00 hours during weekdays and 08.00 to 16.00 on Saturdays with no working on Sundays. Lower vibration limits than those provided for under the existing planning permission should also be set with no blasting at weekends.  
*Comment: Noise impacts are considered in paragraph 104 to 108. Blasting is considered in paragraphs 113 to 117.*
- The area is one of regeneration moving onward and upward after a proud mining history. Noise, air and water pollution will be significant and if some figures are to be believed, greater percentage wise than anywhere in Europe. The health of the population, ecology of the countryside, the business of the local community will all be adversely affected. The benefits of this project only benefit the finances of one company and threaten the lives of a whole area.
- The noise and dirt created by the current state of affairs is already an issue. On entering or exiting the village (Bishop Middleham) via the A177 the road is always very dirty and vehicles have suffered from flying debris from the wheels of the lorries. Windows require cleaning from the dust created by the quarry. The company is take take take and it gives absolutely nothing back to the village apart from noise, dirt and big ugly lorries.

- Views from properties close to the site would be lost along with fresh air and peaceful life. Use of the bridleway is highlighted along with the devaluation of property.
- The stress and emotion of blasting activities at the existing quarry on local residents in Garmondsway Road over the years are highlighted and although blasts may be within limits the effects are unacceptable. The British steel industry is a shadow of its former glory and there is no necessity for the extension. Former recreational facilities have already been sacrificed. Quarrying is not a labour intensive industry and there are not thousands of jobs at risk. It is now the time to concentrate on jobs for the 21<sup>st</sup> Century which are high tech and worthy of our children.
- The bosses at Lafarge say that the company would abide by strict conditions to limit its impact on the area and then go home to their nice clean home in clean areas away from Thrislington Quarry. No more extensions.
- Specific requests regarding planting of the eastern bund.  
*Comment: The landscaping and planting proposals are considered to be appropriate nevertheless confirmation of details would be required through condition should planning permission be granted.*
- The proposal would have an adverse impact on the Hare and Hounds Public House including the disruption to it as a hospitality business for local and passing customers and during the transformation of the area regarding services. In terms of visual intrusion it is considered that the proposed mounds and new access would have a material adverse effect on the character and appearance of the area and the proposal would be contrary to MLP Policies M24 and M36 and Sedgefield Borough Local Plan Policy E1. Reference is made to the mounds being temporary and questions are raised why a final landscape scheme for the land behind the Hare and Hounds could not be implemented immediately. In terms of highways it is considered that the proposal is contrary to MLP Policy M36 given the visual impact of the proposed access. Concerns regarding the safety of the junction of Stobb Cross Lane with the A177 are raised as is the possibility of retaining the existing access points. Concerns are raised regarding noise disturbance during the construction of the perimeter mounds and during normal operations and about the proposed working hours. There is also concern about the impact of dust on the associated restaurant business and it is suggested that dust control could be improved with an environmental buffer zone of tree and shrub planting. There are also implications on drainage arrangements for the public house as a result of the proposal.  
*Comment: The relevant planning issues raised are addressed in this report. The Environmental Statement demonstrates that there would be some disruption to properties bordering the site during the construction of the permanent perimeter mounds during Phase 1 operations. Once constructed these mounds would act as barriers to the environmental impacts of normal site operations. Should planning permission be granted then appropriate conditions could be imposed to ensure disruption is kept to a minimum.*

- The residents of Bishop Middleham are exposed to the dust and dirt produced by quarrying on property and roads, the extension would continue this intrusion for another 50 years with its degrading effect on quality of life, property, communities and investment and loss to future generations. The surrounding countryside of Bishop Middleham is already dominated by Thompson's, Tarmac and Lafarge quarries where there appears to be zero effect to undertake any reclamation after dolomite has been extracted. A number of respected organisations oppose this planning application and a public inquiry should be undertaken before any decision is made. The area needs quality industrial development which would be difficult to achieve if prospective developers only see an area with abandoned quarry faces, mud caked roads and smoking chimneys that require to be registered and monitored by the Environment Agency.
- The effect on the quality of life from existing noise from the current quarry; the loss of countryside views over the seasons would be lost for ever regardless of the restoration work proposed; concern over the effect of blasting when housing closer to the quarry show signs of stress cracking; impacts of increased traffic that would reduce the quality of life of living with noise and pollution; effects of dust; effect on house prices and that road cleaning is not effective.
- Concerns about the prevailing wind direction and the effects of noise and dust that will be blown into Bishop Middleham. Concern that this cannot be controlled as evidenced by the vegetation that is covered in dust around the Works and in the summer months this gets worse.
- The existing quarry has caused damage to the environment (dust, pollution, noise from vehicles and damage to health) for the past 40 years and the local population should not be expected to endure more misery from the proposed extension.  
*Comment: Planning conditions seek to control operations taking place at the existing quarry and should planning permission for the extension be granted conditions would be imposed to control operations.*
- It cannot be other than harmful to inhale dust from the quarry which is not confined to the locality but spreads over great distances depending on the wind. Is there a connection between this and the reportedly above average chest problems in the area?  
*Comment: Dust is considered in paragraphs 109 to 112.*
- The environment has suffered enough and the risk particularly to health outweighs financial and political considerations. It is time for those representing the environment and the public to practice what they preach.  
*Comment: Dust is considered in paragraphs 109 to 112.*
- This seems to be a jobs versus the environment conflict and that the local population and the environment may be further threatened for the sake of 23 permanent jobs.

## Need

- The applicant has not justified why it is essential that the proposal should commence immediately. The tests as set out in Policy M56 have not been met in that the southern allocation has not been exhausted prior to any development to the east of the A1(M) and no satisfactory explanation as to why Lafarge is not pursuing a planning application for a southern extension has been given. It remains the policy that the southern extension should be exhausted before development to the east of A1(M). The proposal would be contrary to b(i) of MLP Policy M56.

*Comment: The issue of need is considered in paragraphs 82 to 86 of the report.*

- The mineral is available elsewhere in the county and the mineral used as a refractory product in steel making is not required in the immediate area and limestone for construction is not in short supply. There is not sufficient justification for the quarry and or justification for its size.

*Comment: The issue of need is considered in paragraphs 82 to 86 of the report.*

A detailed representation has been received regarding the need for the proposed development. The key issues being:

- No analysis to justify claims that there are direct and indirect benefits to the local economy from quarry activities has been presented.
- Implied claims by the applicant that the magnesian limestone is a strategic mineral are challenged. Figures are provided that claim to represent SDL's current sales and states that no reference is made to the exportation of the high grade material in the application. It is claimed that 43% of SDL's sales of calcinated or other than calcinated dolomite are exported yet no reference is made to the impact upon European steel industries. It is also stated that dolomite is traded internationally and a short fall from one source would be compensated by supplies from another.
- Lafarge Aggregates Ltd. should not have made the application given that it has no commercial interest in the product. The status of personnel submitting the application is also raised.
- Concerns regarding the effect of increased vehicle movements and effect on the local economy.
- Concerns regarding the basis for the dust analysis and the impact of dust upon high tech industries at NETPark. The threat to "NETPark- the Strategic Vision for County Durham" is raised as a concern and that the environment would not be attractive for type of development it is seeking to attract if the extension was permitted.
- It is considered that the submission contains a low assessment of the quality of the landscape in the area and disputes the comments made regarding visual amenity. Concerns are also raised regarding the loss of amenity and the negative effect upon local wealth creation as a result of the proposed site.
- The omission of germane physical features on the planning application's maps. It is considered that the full impact of the proposed development cannot be appreciated given that Bishop Middleham Quarry is not shown

on the plans. The application should be withdrawn to repair this omission.

- Lack of evidence for assumed direct and indirect benefits to the community. Based upon estimated numbers employed by Steetley Dolomite Ltd and Lafarge Aggregates and assumptions about average median salaries at the existing site the objector has calculated the estimated benefit of full time salaried employment which is less than the benefits to other parties.
- Lafarge Aggregates Ltd and Cleb Holdings Ltd's failure to draw attention to the latter's business interest outside the strategic interests of the United Kingdom economy and its steel industry. Queries are made as to why the reserves at the site are regarded as being vital to the UK steel industry but on the other hand as a product to be distributed in the largest quantities possible, to as many global outlets as fast as possible.
- References to the global supply of steel industry raw materials are made along with the view that the UK and world steel industry would not close down if dolomite is no longer calcinated within the parishes of Bishop Middleham and West Cornforth, the material can be sourced from elsewhere.
- References are made to the 2005 Corus PLC Annual Report stating that it would spread its supply risk by avoiding, where possible, overdependence on any one country or supplier for its principle raw material. Thus adding weight to the argument that Corus would not be 100% reliant on Steetley Dolomite for their survival.
- It is considered that Lafarge Aggregates Ltd/Cleb Holdings Ltd make no constructive reference to the markets they serve. It is claimed that annual sales of kiln processed dolomite products from Whitwell and Thrislington 2001-2005 do not show a significant upward trend as steel production has declined in recent years. The objection is to lack of clarity and statistics to support their "economic forecasts" and market aspirations.
- Lack of any mention of the knock on effects to the steel industry in the UK if the quarry did not work.
- Claims are made regarding the uniqueness of the resource yet much of the material is exported and this is likely to increase. There is no need for a site to serve a foreign market.
- The failure by Lafarge to use statistical data from official sources to support the advocacy of a quarry extension on behalf of Cleb Holdings Ltd/Steetley Dolomite Ltd. Considered that to plead the case the applicant should have reviewed the demand for labour, levels of current output, imports and exports and then offer forecasts of demand. Consider that there are no valid or reliable statistics on which to make assessments of the industry's value and its input to the Gross Value Added of the UK economy.
- Comments regarding the UK and European steel industry, supported by facts and figures, have been submitted.
- Objections to the proposed construction of a tunnel under the A1(M) and concerns regarding the apparent lack of risk assessments of the quarry tunnel destabilising the A1(M) carriageways. Concerns that any disruption to the A1(M) would have serious consequences for the economy of the North East of England.

- The myth that the steel industry in the UK will close down if land to the north of Bishop Middleham and adjacent to West Cornforth is not comprehensively quarried decade after decade should be laid to rest. The markets for Thrislington's calcinated product are the UK and European steel industries. The myth that the UK steel industry will collapse without access to Bishop Middleham dolomite ignores the long term decline in basic steel production, technical advances in the steel industry which continually drive down the amount of dolomite required per ton of steel production, technological developments which reduce the dependence on the direct reduction of dolomite or economise on the quantities used as flux.
- Potential change in ownership of Corus PLC this would question the need for products made on Teesside.
- There is a well developed international market in the supply of dolomite products which Corus PLC can tap.
- Steetley Dolomite's sales to Europe are almost 45% of their turnover. This is ignored in the planning application. Bishop Middleham has no obligation to think of the needs of the European steel industries.
- Without a case based on the steel market for Steetley Dolomite Lafarge would have no chance of extracting aggregates.
- Steetley Dolomite is vulnerable to competitors given that it is not an integrated refractory products supplier.
- Steetley Dolomite cannot assume that the UK operations of Corus will remain a tied customer for an unspecified time in the future; no business can make such an assumption.
- Comments are made regarding the socio-economic information and the combined direct, indirect and induced employment and the calculations used to calculate these figures. The jobs offered by the quarry are not the type of jobs which attract qualified people who then leave the area. This situation will persist if efforts are not maintained to concentrate on building up NETPark type businesses. Comments regarding the type of employment are also made in terms of sub-contract labour being temporary and mobile.
- Comments regarding the details submitted relating to Steetley Dolomite's customers.
- There is no information available on the Whitwell plant. The planning application states that the plants are interdependent.
- SDL cannot increase sales in the UK as the market is flat and there is continuous reduction in the amount of dolomite required per ton of steel produced. The only way SDL can grow is to increase exports. Lafarge do not admit this point in their submission. A future buyer of SDL would be attracted by the opportunity to sell more on the export market.
- Dolomite is an internationally traded commodity. Raw materials for the steel industry are traded internationally. Corus PLC source coal and iron ore internationally and there is no reason why they should not do the same with dolomite. New owners of Corus PLC would also have access to raw materials including dolomite.
- The quarry is in one of the most economically depressed areas in England to which too easy access has been allowed in the past at little economic benefit to the locality. There will be no senior management posts created apart from quarry statutory posts, R & D programmes to offer careers to the technically qualified.

- The quarry will be a remote production outpost whose baleful presence will be a blight on NETPark and distant parties will use the resource as they think fit.  
*Comment: The relevant planning issues are considered in this report.*

### **Cumulative impact**

- For the extension to be acceptable the Council must be satisfied that the cumulative impact of the working remains acceptable in relation to adjacent areas such as Cornforth East and Bishop Middleham Quarries. It does not appear that the applicant properly addresses the cumulative impact of work in the adjacent areas. There seems to be uncertainties surrounding future extant quarry operations in the area. The Council cannot be satisfied that the cumulative impact of working would be acceptable until this can be properly quantified. The proposal would be contrary to Policy M56 in this respect.  
*Comment: The relevant Development Plan Policies are considered in this report. Cumulative impact is considered in paragraphs 149 to 157.*
- If the application is approved a precedent will be set and will allow piecemeal working of minerals on the eastern side of the A1M.  
*Comment: If the planning application is approved it would not set a precedent as the site is specifically allocated for further working and every planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.*
- Quarries exist to the south and to the west of certain properties and to have a quarry to the north would be utterly unbearable. Excessive noise and dust occur daily (video footage has previously been sent to DCC) as does blasting from the existing quarry and occasional blasting from Thompson's Quarry, which is felt in the house. The proposal to blast 3-4 times per week would be extremely unbearable.  
*Comment: Cumulative impact is considered in paragraphs 149 to 157.*
- It is unacceptable that quarrying would take place for 32 years given Bishop Middleham's exposure to quarrying, the rural hinterland will be damaged beyond repair. Concerns regarding the increase in traffic exiting onto the A177 at a junction which is already dangerous is irresponsible; concerns regarding noise, dust and blasting over 32 years; property values would be destroyed; global warming issues and emissions and effect on health from the Works; the North East Assembly has expressed serious concern whether there is commercial need for the minerals; Lafarge cannot get permission to extend their quarry in Derbyshire, why should Bishop Middleham and County Durham be any different.
- Concerns regarding the environmental impacts from existing quarrying operations in the immediate vicinity of the site along with other land uses and to the loss of the countryside for the benefit of others.
- Noise, pollution and diesel fumes would be at an unacceptable level for the inhabitants of the villages of Cornforth and Bishop Middleham. Trimdon and Fishburn would be affected and NETPark. Contamination



would be likely to contaminate the Hartlepool water supply; the economic case for the extension is shaky; no more than the existing 150 jobs locally would be at risk while most of the profits would go overseas; Thompsons are still very active right next to the Thrislington site; Thompson's lorries are already numerous to double or treble the number as proposed would be intolerable.

*Comment: The relevant planning issues are addressed in the report.*

- Bishop Middleham is currently a quiet place to live and retire but there are now concerns about what is proposed without regard to the environmental consequences to the village and concern about the devaluation of property.

## **Restoration**

- Concern regarding the financial liabilities of the application. In the event that Lafarge are unable to fulfil the expensive restoration requirements. If the application is approved the Council should ensure that a financial bond of sufficient size is secured to ensure that the site can be properly restored and all of the restoration conditions implemented.

*Comment: This matter is considered in paragraphs 130 to 134.*

- The Company is unable to deliver the restoration proposals, as it does not own the freehold surface of the land. In addition the mineral reservation in the title documents does not authorise a restoration to the proposed end-use. Landowners do not intend to use the land on restoration for use in accordance with the proposed restoration and aftercare proposals of the proposed restoration.

*Comment: The provisions for the restoration of the proposed site are detailed in paragraphs 181 and 182.*

- The restoration proposals for the existing quarry and the extension should both be considered separately on their own merits.  
*Comment: Restoration proposals (as required by condition) for the existing quarry have been submitted, however the details need to be amended following officer comments. The applicant has been advised that it is considered that the restoration submission should be delayed until the application has been determined. This will enable a scheme to be submitted that reflects the availability or otherwise of materials for use in the restoration of the existing quarry.*

- The right of the holders of the mineral reservation to divert a footpath across land outside of the site area is challenged and the landowner would oppose such a diversion.

*Comment: A separate application is required to divert the public right of way.*

- There have been sufficient nature reserves from this type of redevelopment and in terms of this site it would require over half a century before any positive output is seen. Concerns regarding the immediate effect on the wildlife; unacceptable noise and pollution including pollution of groundwater; traffic issues; devaluation of areas with quarries close by such as Ferryhill, Kelloe and West Cornforth. Why

allow another quarry to be built and devalue a further area of County Durham. Local people do not want the quarry and the economic positives for it are negligible. The quarry will be excavated and operated by people who only have their own and their shareholders interests at heart, as many blue chip companies do and not the people of the area.  
*Comment: The relevant planning issues are addressed in the report.*

- Concerns regarding the restoration of the site in terms of duration, and the need to use non-polluting backfill material and the effect on the aquifer.

### **Tourism**

- The Council and other bodies spend considerable sums of money trying to encourage tourism in the locality. The proposed extension site lies in a prominent location adjoining the A1(M) and is not a good advertisement for County Durham.  
*Comment: The visual impact of the site from a number of viewpoints has been assessed in the report. It is unlikely that the existence of the site would adversely affect tourism.*

### **Agriculture**

- The loss of over 20 ha of 'best and most versatile land' and the failure of the applicant to address MLP Policy M34 that relates to this.  
*Comment: Soils and agricultural issues are considered in paragraphs 136 to 139.*

### **Ecology**

- Concerns about the effect of proposed development on ecology.  
*Comment: Nature conservation is addressed in the report along with the views of nature conservation bodies.*
- The land is not farmed for environmental benefits under the Government's Single Farm Payment Scheme. The target for the area is to increase the number of certain bird species and quarrying would drive them away.

### **Transport**

- The proposal does not demonstrate that the possible use of rail has been maximised, accordingly it is contrary to M56 as it relates to this matter. The County Council is urged to require the applicant to fully investigate and report on the potential use of the nearby rail network before considering the application.  
*Comment: The use of rail transport is considered in paragraph 164.*

### **Archaeology**

- Given the rich cultural history of the area a thorough archaeological survey of the entire site should be undertaken so that the archaeological interest is known and considered prior the grant of any consent by the County Council.  
*Comment: Archaeology is considered in paragraphs 147 and 148. The landowner has not allowed the applicant access to the land to undertake the archaeological investigations.*

## Previous application

- Reference is made to a Public Inquiry that took place in 1981 and claims made by the Company at that time regarding the quality of the mineral and use. The Company said that three separate qualities of high-grade dolomite were produced and it is claimed by those making representations that only one quality is still used today.

*Comment: The issue of need is addressed in paragraphs 82 to 86.*

- Concerns have been raised over the change in working hours at the existing quarry. In 1981 a Planning Inspector approved an extension to the existing quarry and imposed a condition relating to working hours. In 2002 through the Environment Act 1995 Review and the extension application the working hours were increased. Reference is made in letters of representation and in a letter accompanying a petition to a Thrislington Works Newsletter which states that mobile crushing plant would cut quarry working hours, but this has not happened. Concerns have also been addressed regarding the environmental impacts of operations at the existing quarry and it is considered that the current application is an ideal opportunity to consider the whole aspect of quarrying.

*Comment: The Review provided the opportunity to rationalise controls over the hours of quarry operation which differed across the site. Government advice on the principles to be applied when reviewing conditions is contained in Mineral Planning Guidance Note 9. On the subject of hours of operation, the guidance states that regard should be had to the current working hours of the site and those of other mineral sites in the area, and to the need not to affect fundamentally the economic structure of the operation. It suggests new conditions should limit noise levels and traffic movements in order to provide equal or better protection – which the proposals do for the western half of Thrislington Quarry, though not for the east. The Committee gave particular consideration as to whether on balance, given the limits on noise levels which are to be monitored at adjoining houses, and the improvements with reversing alarms previously noted, the proposed hours of operation were acceptable. The Committee considered whether the proposed measures provide an overall degree of control over potential noise disturbance for local residents, which improves on that available under the current disparate planning regime at the site. It was noted that standards would undoubtedly continue to improve, and undoubtedly there will be increased expectations, which will be able to be addressed as necessary in the periodic review of this as all mineral operations.*

- The applicant's commitment to the local area is queried given that in 2002 local employees were replaced with sub-contractors which resulted in a massive blow to the families of these employees and the local economy.

## Publicity

- Queries regarding publicity of the application and that the Parish Council did not reflect the views of the local community, but did eventually change the view.

*Comment: The publicity that has been undertaken is set out in paragraph 47. The views of Bishop Middleham Parish Council are set out in paragraph 21.*

### **Devaluation of property**

- Possible devaluation of property should the application be approved and effect on residents' retirement. Reports that Lafarge is unwilling to purchase property unlike Steetley who made it clear they were willing to purchase Garmondsway Road properties if nearby residents wished to move.

*Comment: The devaluation of property is not a matter that can be addressed through the planning system.*

### **Human rights**

- Breach of Articles 1 and 8 of the European Convention on Human Rights protecting right to respect for private family life and rights to the peaceful enjoyment of property.

*Comment: There is no interference with the residents' private and family life. Any disturbance to residents is justified by the general interest.*

### **The Works**

- Concerns regarding discharges from the Works in relation to heavy metals and various gases and requests confirmation that these are not toxic or injurious to health or that controlled water discharges will not make their way into the aquifer. Reference is also made to a European Lime Association (EULA) that indicates that the projected usage of limestone/dolomite products would increase and the production of dolomitic products at Thrislington will also increase in line with these predictions. Also reference is made to the amount of CO<sub>2</sub> emitted from the Works when Government policy is to reduce carbon emissions.

*Comment: The Works are considered in paragraphs 175 to 177.*

- Concerns regarding the kiln operation and the responsibility for addressing environmental impacts such as dust.

*Comment: The Works are considered in paragraphs 175 to 177.*

- Concerns are raised that the ES does not cover the Thrislington kiln stack emissions and associated criteria when they process the stone quarried from the quarry. The whole basis of the application is for Steetley Dolomite kiln feed so the EIA and ES must take into account all emissions impacting environmental criteria.

*Comment: The planning application is for an extension to the existing quarry and this does not give rise to a review of the planning permission for the Works which has been in existence since 1956. The Works is subject to operational and emissions controls applied by the Environment Agency through a separate regulatory system (refer to paragraphs 175 to 177). It is considered that environmental issues arising from use of the existing works are being properly covered.*

- Concern is raised about the substitute fuels that are used and that they are a cocktail of waste chemicals and tyres extremely toxic. Reference is

made to an incident that occurred in 1994. Also reference is made that the Council has failed to implement the Seveso Directive.

*Comment: In terms of the Seveso Directive, Durham County Council is not responsible for off-site emergency planning in this case.*

### 13 proposals

- One letter makes 13 proposals and it is considered that if the conditions are implemented in the planning application then see no reason why a sizable extension should not be granted giving the quarry operators a sizable extension would allow them to invest in what would be a large amount of capital for the foreseeable future.
  - All mobile plant be removed from 1982 extension area and put into last planning permission area then taken into the new planning permission area if planning permission is granted at the earliest convenient opportunity.  
*Comment: Due to the need for blending, the proposals would involve the simultaneous processing of mineral in the existing quarry and the eastern extension.*
  - Working hours revert back to 1982 conditions granted after a public inquiry as it is considered that those working hours worked well especially when the operator would have been happy with less according to a Company newsletter.  
*Comment: The proposed working hours reflect those of the existing quarry. The Environmental Health Officer has no adverse comments to make regarding them.*
  - Only road wagons transporting stone from the new extension should use the eastern access.  
*Comment: Access is considered in paragraphs 14 to 16.*
  - All concrete wagons to use the access onto the C69 and then onto the Cornforth Bypass.  
*Comment: There is an approved access for the concrete plant.*
  - All wagons carrying sand or coming for sand must do so by the main entrance by the C69 and then onto the Cornforth Bypass.  
*Comment: There is an approved access for the export of sand from the site.*
  - All wagons carrying burnt lime or kiln products or going to collect the same or deliveries by tankers etc; only to use the access on to the C69 and then onto the Cornforth Bypass.
  - All mobile plant to be fitted with new reversing horns of the broadband type.  
*Comment: Should planning permission be granted then details of reversing alarms to be used in the proposed extension area could be required through condition.*
  - Need for dust sampling points situated on the prevailing wind side to register airborne dust as residents now believe the operators' dust control is inadequate.  
*Comment: Dust monitoring is a requirement of the existing planning permissions as reviewed and should planning permission be granted*

*the submission of a dust action plan including dust monitoring would be required by condition.*

- All stone from the new eastern extension to the kilns should be transported by conveyor and not by mobile plant.  
*Comment: Refer to the comment under paragraph 20. The applicant has considered the use of a conveyor but considers that it does not provide the flexibility required in the movement of material within the site and to existing facilities in the main quarry at Thrislington Works.*
- The eastern access and weighbridge is supposed to be removed by 19 January 2007, this could possibly be extended until new access and weighbridge with wheel washing facilities is built in new extension, then possibly a continuation of agricultural land be extended into the demolished site of the now defunct road and weighbridge.  
*Comment: Planning permission was granted in 1997 for the construction of new vehicular access onto Garmondsway Road and associated entrance, accommodation, weighbridge and wheel wash at the quarry. Through condition the access was to have been removed by 19 January 2007. The 1997 permission was not part of the original notification served on the applicant through the Review process but following discussions with officers at that time Lafarge offered to include the element in the Review to ensure that the whole site could be the subject of a comprehensive site of modern planning conditions with consistent environmental standards. This has had the effect of extending the life of the access in line with the life of the existing quarry. The proposed future of this access is explained in paragraph 15.*
- When the new access road, weighbridge and wheel wash are in operation, road wagons travelling north to be allowed to enter the A177 northbound where now they are only allowed to travel east or south.  
*Comment: The proposed vehicle route is described in the report.*
- Recycling of concrete, bricks etc is a noisy operation and more thought needs to be put into where the crusher should be sited. It is no good removing the mobile plant from the quarry just to be replaced with another. The working of this plant should also be restricted to the hours of 08:00hrs to 16:00hrs Monday to Friday.  
*Comment: Planning permission was granted for a recycling operation within the existing quarry void in 2001. Planning conditions control working hours, control of operational noise and monitoring of noise levels. Should planning permission be granted for the proposed extension to the quarry then conditions would impose noise levels and require noise monitoring.*