



## County Planning Committee

**Date** Tuesday 4 June 2019  
**Time** 1.00 pm  
**Venue** Council Chamber - County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 7 May 2019 (Pages 3 - 10)
5. Applications to be determined
  - a) DM/18/03622/OUT - Land To The North West Of High Beechburn Farm, Crook, DL15 8JE (Pages 11 - 38)  
Outline Planning Application for up to 350 dwellings including means of access (all other matters reserved)
  - b) DM/18/02483/MIN - Heights Quarry, Westgate, Bishop Auckland (Pages 39 - 90)  
North-western extension to Heights Quarry for the winning and working of 6.97 million tonnes of limestone, extension of time to 2046 and restoration of the site to a mix of habitats, pasture land, woodland, and public access
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

#### Part B

**Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
27 May 2019

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chair)  
Councillor F Tinsley (Vice-Chair)

Councillors J Atkinson, A Bell, J Clare, K Corrigan, K Hawley,  
I Jewell, C Kay, A Laing, G Richardson, A Shield,  
J Shuttleworth, A Simpson, M Wilkes and S Wilson

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**Contact: Ian Croft**

**Tel: 03000 269702**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 7 May 2019 at 1.00 pm**

**Present:**

**Councillor J Robinson (Chair)**

**Members of the Committee:**

Councillors A Bell, J Clare, K Corrigan, I Jewell, C Kay, A Laing, G Richardson, A Simpson, H Smith, F Tinsley (Vice-Chair), M Wilkes and S Wilson

**1 Apologies for Absence**

Apologies for absence were received from Councillors Hawley and Shield.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The Minutes of the meeting held on 2 April 2019 were confirmed as a correct record and signed by the Chairman.

**5 Applications to be determined**

**a DM/18/00379/FPA - Land to the west of Valley Road, Pelton Fell, DH2 2NN**

The Committee considered a report of the Senior Planning Officer regarding an application for a residential development of 165 dwellings with associated infrastructure and landscaping on land to the west of Valley Road, Pelton Fell (for copy see file of Minutes).

Members of the Committee had visited the site and were familiar with the location and setting.

S Pilkington, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, illustrated site access point, site layout, proposed junction arrangements, typical elevations and the proposed offsite highways mitigation works in Chester le Street town centre.

The Senior Planning Officer informed the Committee that the proposed level of affordable housing for the development was 15%, which was in line with Policy HP13 of the Chester le Street Local Plan, and not 20% as stated in the recommendation of the report.

Councillor A Bell sought clarification of the location of the proposed signalised junction. Upon being provided with this, Councillor Bell commented that traffic lights were much needed at the junction.

Councillor Richardson asked whether access to the adjacent agricultural fields would be maintained. The Senior Planning Officer replied that the proposed emergency access could also be used for agricultural access and fields to the south of the development would be accessed via other fields.

Councillor Jewell referred to paragraph 57 of the report and the problem of off-road motorcycles utilising the adjacent Congburn Woods and asked whether any contribution towards this problem would be available. He also referred to highways concerns regarding visibility out of the proposed junction.

The Senior Planning Officer replied that any s106 contributions needed to be directly related to the development and that no contribution was proposed to address the off-road motorcyclist's problem. Highways were satisfied with the visibility splays from the proposed junction subject to the proposed access improvement works.

Councillor Wilkes expressed surprise that the application had only attracted 10 letters of objection. The site was already developed along two sides and the land was not green belt. Councillor Wilkes noted that no feedback had been received from the NHS and asked whether there was a capacity issue in the area and also asked whether there was sufficient capacity in local schools to accommodate the development. Councillor Wilkes referred to the proximity of the development to the pond and asked whether there was sufficient distance to protect the great crested newts.

The Senior Planning Officer replied that the NHS had been consulted on the proposed development but no comments had been received. There were two doctors surgeries in the village. The Schools Placement Officer had confirmed there were sufficient primary and secondary school places to accommodate the development. Referring to great crested newts, the Senior

Planning Officer reported that the majority of these were in a larger pond to the south of the development and added that the Council's Ecology Officer had raised no objection to the development.

**Moved** by Councillor A Bell, **seconded** by Councillor I Jewell and

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the provision of:

- 15% affordable housing on site;
- £168,251 towards open space and sporting provision within the Electoral Division;
- £35,000 to implement access control measures on the Waldrige Fell SSSI; and,
- £142,219 towards the formation of a dedicated cycle route from Pelton Fell to the C2C route and improved pedestrian links through Congburn Dene to Waldrige Lane.
- The provision of a Targeted Recruitment and Training Scheme

and subject to the conditions contained in the report.

**b DM/18/03277/OUT - Land to the west of Davis Crescent, Langley Park, DH7 9UP**

The Committee considered a report of the Senior Planning Officer regarding an application for a residential development of 74 dwellings including access with associated infrastructure and landscaping on land to the west of Davis Crescent, Langley Park (for copy see file of Minutes).

Members of the Committee had visited the site and were familiar with the location and setting.

G Blakey, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, indicative site plan and site photographs.

Councillor Coult, local Member, addressed the Committee. She informed the Committee that the residents of Langley Park were opposed to the application. There were already two new housing developments proposed for Langley Park and the resulting increase in residents would exacerbate current parking problems and high levels of traffic in the village. Increased traffic would lead to more pollution. The proposed development was very close to the cemetery and there were fears that the development would impact on the peace and quietness of the area. Green space such as this site needed to be protected. Local residents were already experiencing

problems in making GP appointments and more development would make these problems worse. Although the proposed tree planting scheme was a positive aspect of the application, the trees would take a long time to become established. Councillor Coult asked the Committee to refuse the application.

G Raggatt, local resident, addressed the Committee to object to the application. Ms Raggatt had been a resident of Langley Park all of her life and had lived in Davis Crescent for 43 years. Langley Park has seen a large number of developments over the years and the right housing was needed in the right places. This development targeted the countryside for development and would result in the unnecessary loss of countryside. Davis Crescent was the boundary of the village of Langley Park and it was feared that this development could lead to urban sprawl. The proposed development would tower over cemetery, which was a place for quiet, peaceful contemplation. Finally, the proposed development would have an adverse impact on wildlife species in the area with deer, birds of prey, foxes and bats all being observed in the area. Ms Raggatt asked the Committee to refuse the application.

Mr T Baker, agent for the applicant, addressed the Committee. This was a finely balanced application on which the Committee could come to a different decision to that recommended by Officers. The applicant was a north Durham housebuilder and was experienced in delivering local homes for local people.

The application was made in October 2018 and the applicant had worked with officers, ward members and the parish council and over this time the application had received only 9 objections. There were no objections to the development from highways, housing, drainage, design, ecology and bereavement services. The only issue of concern raised was landscape which, when the proposed tree planting had matured, would result in a less than significant visual impact. However, the proposed development would bring significant benefits which included affordable bungalows, £155,000 towards improvements to open space, improvements to local footpaths, an improved drainage connection for the cemetery, 25 construction jobs and 27 jobs spin-off during construction and approximately £1m in retail spending by residents. Mr Baker asked the Committee to approve the application.

Councillor Laing informed the Committee that she had listened to the representations made and considered the officer's presentation and had taken the opportunity to view the site. This was a finely balanced application and there was a need to assess the benefits/advantages of it against the landscape harm. Councillor Laing considered that the landscape harm would only be for a short period of time until the proposed tree planting became established and it was accepted that in the long-term the visual harm would be reduced. The development proposed 15% affordable housing as well as

provision of bungalows which were much needed. There would be a net gain to biodiversity and improved public transport, and the application had only attracted 9 objections, which was a very small number. There were no statutory objections to the development. Councillor Laing considered that the benefits of the development outweighed the short-term landscape harm and **moved** approval of the application.

Councillor Jewell asked to re-view the presentation slides which showed the proposed tree planting over a period of time. This was a finely balanced application and was similar to the previous application considered by the Committee for Pelton Fell. Developments within villages brought facilities into the village with the extra people they brought into the village and Councillor Jewell **seconded** approval of the application.

Councillor Simpson, local Member informed the Committee that a development which had been approved some 2 years ago had highlighted a lack of schooling for that development but since that time nothing had been done to schools or GP surgeries in the area.

Councillor Smith agreed that this was a finely balanced application. While villages needed appropriate development, this was an attractive green valley and the development would significantly detract from the green landscape, as well as being a loss of highly productive agricultural land. The site of the development was a long way from the facilities of the village and most residents would take their cars to access the village. Councillor Smith supported the officer recommendation that the application should be refused.

Councillor Wilson informed the Committee that the development would result in a net gain to biodiversity and that application was in outline only and the housing could be configured sympathetically to the cemetery at reserved matters stage. Councillor Wilson agreed with Councillor Laing that the outline application should be approved.

Councillor Wilkes informed the Committee he had attended the site visit and viewed a map of the village, and agreed that over time the proposed development would not be as visible as when first built. However, Councillor Wilkes had worries about urban sprawl and the village of Langley Park spreading along the valley to the west. Currently the views across the valley were stunning and this development would lead to the loss of agricultural land. Policy EN1 of the Local Plan stated that development in the countryside would only be permitted where it benefited the rural economy or helped maintain or enhance landscape character. This development was therefore contrary to Policy EN1 of the Local Plan and was also contrary of Policy EN2 which referred to the prevention of urban sprawl. Councillor Wilkes considered that the application should not be approved.

Councillor Clare informed the Committee he had listened to the discussion and representations made on the application. The NHS had been consulted on the application and had not commented, so any reported problems with local GP provision were not supported by evidence. Traffic problems in Langley Park had been raised, but there were no highways objections to it. While it was acknowledged that the cemetery was a very sensitive area, there were many places where cemeteries were surrounded by housing. The protection of views was not a valid planning consideration and nor was demand for the proposed dwellings to be built. The main consideration was whether this application was an unacceptable incursion into the countryside. There were immense similarities between this and the previous application considered in that it would result in the loss of agricultural land, the plot had a similarity of shape and would be a similar expansion of the village, although this development would be more hidden from view over time. Relevant Local Plan policies were out of date and Councillor Clare agreed with Councillors Laing and Jewell that the application should be approved.

Councillor Kay considered that in the long-term the development would not be an incursion into the countryside and informed the Committee he was minded to support approval.

Councillor Richardson considered the views of the local Members in opposing the development and agreed with their views. The loss of agricultural land was addressed in the report and was a negative for the proposal.

Councillor Tinsley agreed that the decision on the application was finely balanced. The NPPF stated that developments should be approved unless the negatives significantly and demonstrably outweighed the benefits. The introduction of a planting band with this development would result in the relationship of the settlement with the surrounding countryside being an improvement on that which currently exists. Councillor Tinsley did not consider that the negatives of the development significantly and demonstrably outweighed the benefits.

**Moved** by Councillor Smith, **seconded** by Councillor Wilkes that the application be refused for the reasons stated in the report.

Upon a vote being taken the motion was lost.

**Moved** by Councillor Laing, **seconded** by Councillor Jewell that the application be approved subject to the determination of Conditions and Section 106 legal agreement being delegated to the planning team in consultation with the Chairman and Vice Chairman of the Committee.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the determination of Conditions and Section 106 legal agreement being delegated to the planning team in consultation with the Chairman and Vice Chairman of the Committee.

**c DM/18/03487/VOC - The Riverwalk, Milburngate, Durham, DH1 4SL**

The Committee considered a report of the Principal Planning Officer regarding an application for the variation of condition 13 pursuant to planning permission DM/18/00310/VOC so as to extend the opening hours for the D2 cinema use so as to open 1 hour earlier (9am) and 1 hour later (1am) Sunday to Thursday, 1 hour earlier (9am) Friday and Saturday with opening permitted until 3am on up to 10 occasions per year at The Riverwalk, Milburngate, Durham (for copy see file of Minutes).

H Jones, Principal Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, highlighted entrance/exit points, site plan showing the layout of the main shopping floor and site photographs.

Councillor R Cornwell of the City of Durham Parish Council addressed the Committee to object to the application, which he considered to be driven by the cinema operator's profit at the expense of local resident's sleep. The extension to operating hours would result in night time noise and it was pertinent that the riverside development contained residential properties which were close by.

The Riverwalk development included houses in Lambton Walk, part of the original Milburngate development built in the mid seventies and its occupants had not suffered significant night-time disturbance until now. There was also a large residential component, Dunholm House, which was occupied by up to 253 students. The adjacent approved redevelopment scheme for the former Milburngate House site included several hundred residential apartments. There was a real and present association between places of assembly being open until the early hours and consequential disturbance threatening the amenity and quiet enjoyment that residents should be able to expect.

This application should be refused and the currently approved closing times of 12 midnight Sunday-Thursday and 2am on Friday and Saturday would be appropriate for the cinema in this particular location.

Councillor Richardson informed the Committee that he had considered the application to be a straight decision until he had heard the local opinion presented to the Committee. Councillor Wilkes considered that city centres

were places where people should be expected to be able to enjoy themselves, but he was mindful that this was a mixed development. The cinema would currently be open for 15-16 hours every day and Councillor Wilkes questioned whether the additional hours were necessary or would make much difference.

Councillor Clare considered this to be a difficult decision but agreed with the officer's report. City centres were busy commercial hubs and it was important for the night time economy to thrive. Professionally qualified officers had not raised objection to the application and Councillor Clare **moved** approval.

Councillor Wilson informed the Committee that the application was for extended opening hours for a cinema. He agreed with the recommendations and **seconded** approval of the application.

Councillor Laing informed the Committee that she regularly visited cinemas and had never come out of one to noise. Councillor Jewell added that if noise was an issue he thought it would manifest itself with the current hours of operation. The Committee could not decide what 'might be'.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to the conditions contained in the report.

**d DM/18/02936/WAS - Land west of Drum Road, Chester-le-Street**

The Committee considered a report of the Senior Planning Officer regarding an application for a change of use to waste transfer, recycling station and haulage yard with enclosure of existing canopy, lean-to extension to the western elevation, parking and equipment store area, weighbridge and demountable buildings on land west of Drum Road, Chester le Street (for copy see file of Minutes).

C Shields, Senior Planning Officer provided a detailed presentation of the application which included a site location plan and site photographs,

**Moved** by Councillor G Richardson, **Seconded** by Councillor C Kay and

**Resolved:**

That the application be approved subject to the conditions contained in the report.

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/18/03622/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline Planning Application for up to 350 dwellings including means of access (all other matters reserved)
<b>NAME OF APPLICANT:</b>	John & Bertha Elizabeth Rawe & Future Habitat Ltd
<b>ADDRESS:</b>	Land To The North West Of High Beechburn Farm, Crook DL15 8JE
<b>ELECTORAL DIVISION:</b>	Crook
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of an irregular shaped parcel of land, located to the southern edge of Crook, to the South West of the County. The site extends to approximately 14.56 hectares (ha) in area and comprises agricultural fields. There is a level change across the site, with the land falling approximately 40m in an easterly direction. The site is bound by the existing residential development of Crook to the north, and agricultural field to the western, southern boundaries. Further agricultural fields and Beechburn Industrial Estate are located to the eastern site boundary. Existing vehicular access to the site is provided through surrounding agricultural fields in the east. Mature trees and hedgerows are present along the northern boundary of the site and centrally within the site.
2. A Public right of way (Footpath No.52, Crook) runs through the site in a North-South direction. Crook Conservation Area, containing a number of listed buildings, is located approximately 900m to the north east of the site. Low Woodfield Farm House, a Grade II listed building is located approximately 280 to the north west of the site. Further to the west (approx. 540m from the development site) the Grade II Listed Buildings of High Woodfield Farm House East and West are located. No designated sites of ecological interest are located within a close proximity of the site.

#### The Proposal

3. This planning application seeks outline planning permission including the means of access (all other matters reserved) for the erection of 350 dwellings. An indicative site

layout has been submitted identifying that the development would be arranged around an east-west circulation road, with areas of open space located centrally and to the western boundary. A SUDS feature is proposed in the south eastern portion of the site, with the sole vehicular access taken of Beechburn Industrial Estate to the north eastern site boundary. Pedestrian access links are proposed along the northern site boundary, while the route of the current public right of way would be maintained. The layout indicates that the route of the Public Footpath which passes through the western part of the site would be maintained. The supporting information sets out that 15% of the dwellings would be offered on an affordable basis.

4. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

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## **PLANNING HISTORY**

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5. There is no relevant planning history to the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

10. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
15. NPPF Part 12 – Achieving well-designed places. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
17. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
18. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and

should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

Wear Valley District Local Plan (2007) (WVDLP)

22. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
23. *Policy ENV1 – Protection of the Countryside.* Sets out that the countryside should be protected and enhanced, development will only be allowed for the purposes of agriculture, farm diversification, or other compatible uses as defined by local plan policies.
24. *Policy ENV10 -Sites of Special Scientific Interest –* Sets out that development which will affect the conservation value of Special Scientific Interest (SSSI) will only be permitted if the development is of overriding national importance and the development cannot be located elsewhere.
25. *Policy ENV11- Sites of Nature Conservation importance and Local Nature Reserves –* Sets out that development which will adversely affect sites of Nature Conservation Importance or Local Nature Reserves will only be allowed if the development is of overriding local importance and it can be demonstrated that there are no alternative development site. The policy also sets out that developments should include measures to conserve and enhance nature conservation interest and where practicable provide replacement habitats and features.
26. *Policy BE1 – Protection of Historic Heritage –* Sets out that the Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features of and areas of particular historic architectural or archaeological interest.
27. *Policy BE4 – Setting of a Listed Building –* Sets out that development which impacts on the setting of a listed building and adversely affects its special architectural, historic or landscape character will not be allowed.
28. *Policy BE8 – Setting of a Conservation Area –* Sets out that development which impacts upon the setting of a Conservation Area and which adversely affects townscape qualities, landscape or historical character will not be allowed.

29. *Policy BE23 – Provision of Public Art* - In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
30. *Policy H3 – Distribution of Development*. New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
31. *Policy H15 – Affordable Housing*. The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
32. *Policy H16 – Exceptions Policy* – Sets out that as an exception to H3 small scale housing scheme may be permitted on suitable sites outside the defined settlement limits where it is clearly demonstrated that there is an overriding need for affordable housing that cannot be reasonably provided elsewhere. Developments should not have an adverse impact on the character or appearance of settlements, their setting, the surrounding countryside and satisfies general development criteria.
33. *Policy H24 – Residential Design Criteria*. New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
34. *Policy RL5 – Sport and Recreation Target*. For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
35. *Policy T1 – General Policy – Highways*. All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

36. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16<sup>th</sup> January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Wear Valley District Local Plan)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

37. *Highways Authority* – Advise that the scope of the submitted TA and its assessment of relevant junction is unacceptable, at this time the developments impact on the wider highway network remains unproven. In terms of the proposed vehicular access, concerns are raised regarding the conflict of the users of the industrial estate and residential traffic, including pedestrian and cyclists. In order to address this, a 1.8m wide footway would need to be erected either side of the current access road, to be secured by condition. It is also advised that in order to ensure highway safety is maintained it is likely that waiting restrictions would need to be put in place to prevent commercial/industrial vehicles parking on the highway, which currently occurs. This potentially could create displacement issues elsewhere. In order to facilitate an acceptable access and due to onsite topography changes, it is likely that retaining structures would be needed. At this stage the applicant has not demonstrated that adequate sight visibility could be achieved in this location, and from the commercial access serving Units 9a to 9d. Any approval of the application should be withheld until an amended TA is submitted and that adequate sightlines could be achieved.
38. *Northumbrian Water* – Advise a conditional approach to deal with the management of foul and surface water from the development site.
39. *Drainage and Coastal Protection* – Advise that whilst the Flood Risk Assessment (FRA) is relatively comprehensive, a layout plan showing drainage runs and land identified for a surface water management train with SuDS features such as swales infiltration drains, filter strips etc. should be provided in support of the application. The FRA refers to the mining report and dismisses the use of some SuDS methods due to contamination however shallow swales and filter strips could be used without the risk of contamination to transmit water through the site and improve water quality as required. There also appears to be a 4m level change across the SuDS storage area, deliverability of this element (due to proximity of proposed highway and land conditions) is questioned.

### INTERNAL CONSULTEE RESPONSES:

40. *Planning Policy* – Advise that the WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework. WVDLP policy EV1 sets out that in order to protect and enhance the countryside development beyond settlement limits should be strictly controlled. This approach is replicated in policy H3.
41. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced.

42. The application should therefore be considered in the context of the planning balance test contained in paragraph 11 d) of the NPPF. It is advised that the Council can presently demonstrate in excess of a 5 year housing land supply.
43. *Landscape* – Advise that the site is not within a locally or nationally designated landscape. It is, nevertheless, attractive, rolling, pastoral countryside with a largely intact network of hedgerows and many mature hedgerow trees. It contributes positively to the setting of Crook, particularly so because the northern edge of the site, which borders the existing settlement boundary, features many trees that soften and give a feeling of maturity to this edge of the settlement. In summary it is advised that the proposal would have significant, negative, landscape and visual effects.
44. *Landscape (Arboriculture)* – Advise that the indicative layout is likely to place pressure on the existing trees both during and post construction unless redesigned with a greater buffer between the trees and the properties. The trees make a significant impact on the landscape and damage to them that will result in their decline and/or ultimate removal.
45. *School Places and Admissions Manager* – Advise that a development of 350 houses could produce an additional 105 primary pupils and 42 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development, there are sufficient secondary school places to accommodate the development. However, in relation to primary school pupils it is advised that there would not be sufficient capacity within existing primary schools to accommodate the development while maintaining an appropriate buffer. In line with the Councils Policy in securing developer contributions as the development exceeds 300 dwellings a feasibility study should be carried out to establish whether existing primary schools could be expanded and the resultant cost. It is likely that 4 classrooms plus other supporting facilities would be required.
46. *Housing Delivery* – Advise that the proposed 15% (53 units) affordable housing would comply with policy requirements and help meet an identified need. It is recommended that mixed tenure of 80% affordable rent and 20% intermediate tenure would be desirable. It is also advised that 10% of the housing should be for the elderly/accessible homes.
47. *Ecology* – Advise that the submitted Preliminary Ecological Appraisal identifies the need for further survey for bats and breeding birds. These have not been undertaken and are required prior to determination. It is also advised that no assessment of likely losses in biodiversity by the proposals, has been undertaken. Considering the numbers of houses proposed, there is likely to be an overall net loss, and as a result, at this stage the proposed development is likely to be against the requirements of the NPPF. Depending on the results of the calculator, the priority would be for compensation/mitigation to be provided on site, however where this is deemed to not be feasible, a combination of on and offsite mitigation may be achievable.
48. *Environmental Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment has been submitted assessing the impact of the development. It is advised that the modelled levels of air quality would be below the national air quality objectives and subject to the submission of a construction management plan and preparation of a travel plan to encourage sustainable travel by condition.
49. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure additional survey work and mitigation where required.

50. *Environmental Health and Consumer Protection (Pollution Control)* – advise that a noise impact assessment has been submitted in support of the application setting out predicted internal and external noise levels based on the existing noise levels within the area, along with noise mitigation measures in the form of glazing and ventilation. However, it is advised that the monitoring locations were to the west and east of the development area and that there are existing commercial uses; foundry and a vehicle repair site in closer proximity of the site. These uses could create commercial//industrial type noise as well as noise from plant/machinery. This type of noise has not been specifically assessed within the assessment and details of the type of industrial noise and the duration of industrial noise has not been provided. Further survey work and analysis of these noise sources should be considered.
51. *Archaeology* – Advise that the applicant has submitted a geophysical survey report and this has identified a significant archaeological resource within the proposed development area. The exact nature of this needs to be confirmed through trial trenching which should take place in support of the application. This is to ensure that the potential implications of this resource are fully understood early and any further mitigation can be incorporated into the development's timescales.
52. *Access and Rights of Way* – Advise that public footpath no.52 Crook is indicated to be incorporated within the proposed site layout. This footpath should be brought up to an adoptable standard. There is a network of Public Footpaths located to the south of the proposed development which will likely be accessed for recreation, exercise, dog walking etc the development should mitigate its impact in respect additional use of these routes.
53. *Design and Conservation* – Advise that with the submitted application is for outline planning permission, a site of this size should demonstrate, within the supporting information, that a residential area with a sense of place and distinctive character can be created whilst providing the maximum number of units proposed. It is questionable if this can be achieved given the level and detail of the information submitted for assessment. It is advised that there is limited intervisibility between the proposed development site and Low Woodfield Farm due to the existing vegetation around the south/south-east boundary of the farm and therefore there will be limited impact on the setting of the designated heritage asset. Whilst there is some intervisibility between the proposed development site and High Woodfield East, recent large footprint farm buildings have altered the setting of the designated heritage assets.
54. *Sustainable Transport* – Advise that the site is outside of the generally accepted 400 metres walk distance to nearest served bus stops. To improve the accessibility of the site the developer should ensure that a bus service operates around Thistleflat Road, stopping at suitably located formal bus stop locations on the route. This will require one additional bus in the local network (Mon – Sat 08:00 – 18:00). The estimated net cost of such a service would require developer funding of approximately £60,000 per annum. There are a number of PROW in the vicinity of the site which would be affected by the development from increased use. It is suggested that improvements are made to mitigate additional demand. The main access into the estate is through an industrial estate which does not provide a safe or attractive walking and cycling route. The footway is constantly intersected by sideroads which interrupts flow and creates more potential for conflict.
55. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation.

## **NON-STATUTORY RESPONSES:**

56. *NHS* – Advise that a contribution of £24,150 is sought to increase the capacity of existing health care facilities in the area.
57. *Sport England* – Advise that the occupiers of new development, especially residential, will generate demand for sporting provision. No detail is included within the application which suggests that the applicant intends to make investment in the local sports infrastructure to meet the needs arising from the development. In the event that no onsite provision a contribution of £311,250 for investment to increase the capacity of the local sporting infrastructure is sought. Objections to the application are therefore raised.
58. *Coal Authority* – Advise that a mine entry is present within the site and a further three off site mine entries are present adjacent to the site boundary. Given the likely requirements for no build zones around these mine entries, and the limited scope for amending the site layout due to the density proposed, further investigations should be undertaken. A conditional approach is recommended to secure further survey work and to identify if any mitigation is required in advance of the submission of any reserved matters application. This may influence the resultant site layout.

## **PUBLIC RESPONSES:**

59. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents and businesses.
60. 48 letters of objection from local residents have been received in relation to the development as summarised below.

### ***Principle/Sustainability of development***

- Although the need for new housing is recognised, this should be delivered on suitable sites
- The scale of the development is excessive
- The development of the site would conflict with policy H3 representing development outside of the established settlement limits
- Concerns in relation to the capacity of doctor's surgeries
- Capacity of local schools and other infrastructure
- Redundant properties and brownfield land should be utilised first
- Future residents would need to travel to other towns for employment
- The development is a significant distance from bus routes
- The development in combination with additional homes proposed in Crook is excessive
- The CDP should be given weight in the decision making process
- The deliverability and viability of the site is brought into question
- The development should be considered EIA development
- The need and market for new housing at this scale is highlighted

### ***Highways***

- Concerns on the impact of increased traffic on the highway network
- Concerns on the visibility achievable out of the proposed junction
- The access through the industrial estate is inappropriate, there will be a conflict with other users of the access increasing the risk of accidents
- Increase in pollution from extra vehicles
- Concerns of impact during construction works

- The plans suggest that additional highway access could be created onto Chaucer Drive, this would involve the loss of play space

### ***Residential Amenity***

- Impact on residential amenity through construction
- Loss of privacy and amenity from overlooking due to the proximity of the dwellings.

### ***Other Issues***

- Green Spaces will be lost, destroying an open, wild area.
- The scheme would result in encroachment into the surrounding countryside
- Loss of view, devaluation of property
- Impact on local wildlife, including the loss of hedgerows
- Potential flooding issues associated with the development
- Impacts on air quality
- Concerns of mine shafts on site and land stability
- The development would conflict with policy GD1 and EV1 due to the landscape and visual impact of the scheme
- The development would impact on the current PROW passing the site.
- Impact on the setting and character of the rural feel of the town
- Impact on existing trees on site
- The presence of bats and nesting birds on site is highlighted
- Evidence of archaeological remains are evident on site
- The proposal would represent an over development of the site and would represent poor design
- The lack of consultation held by the applicant is highlighted

61. Cllr Anne Reed – Objects to the development, highlighting that while housing developments may be considered acceptable in Crook these should be in suitable locations. The application has generated a significant amount of public interest, resident’s concerns on the development are considered justified. The presence of historic coal mining on the site is highlighted, concerns are raised regarding the type of material used to back fill works and the stability of the site.
62. CPRE – Consider that the development is contrary to policy ENV1 of the WVDLP representing development outside of the settlement boundaries of Cook. In line with case law it is considered that this policy is not out of date and the paragraph 11 of the NPPF tilted balance should not be engaged. The presence of an alternative site in the CDP for housing is highlighted. Notwithstanding the above policy conflict, the application should also be refused on prematurity grounds in line with paragraph 50 of the NPPF.

### **APPLICANTS STATEMENT:**

63. The proposed development is in general compliance with the NPPF and the saved policies of the local plan. It is acknowledged that the proposed development is located outside the defined development limits of Crook and potentially therefore conflicts with the Local Plan Policies regarding development in the open countryside.
64. However, in this case the NPPF, a significant material consideration, sets out that based on the out of date nature of the councils plan policies, that the presumption in favour of the sustainable development is engaged, and the development is required to be considered in the context of Paragraph 11 of the NPPF.
65. The land is not designated at a local or national level and all landscape and visual effects would be within a local context. There would be substantial benefits as outlined

in the Planning Statement including the provision of affordable housing, on site open space, creation of jobs, and financial contributions towards local sports infrastructure, local NHS provision; improvements to local public transport facilities and additional primary school places.

66. Whilst there would be some conflict with the out of date local plan policies the associated harm would be outweighed by the substantial benefits.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at*

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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67. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, housing land supply, locational sustainability of the site, landscape and visual impact, layout and design, highway safety and access, heritage issues, open space/recreation provision, ecology, residential amenity, flooding and drainage, ground conditions, planning obligations and other issues.

### Principle of Development

68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
69. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
70. WVDLP Policy ENV1 sets out that in order to protect and enhance the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. This approach is replicated in policy H3 of the WVDLP, which sets out that new development will be directed to those towns and villages best able to support it, recognising that other than infill developments or small extensions, development outside of defined settlement limits would not be acceptable. The development of the application site would conflict with WVDLP Policies ENV1 and H3, representing a substantial encroachment into the countryside. Policy H16 is a housing exceptions policy that does accept housing development on suitable sites outside settlement boundaries. However, it only applies

to small scale sites and is not applicable to this application nor does the proposal draw any support from the policy.

71. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to policies ENV1 and H3 is reduced.
72. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole
73. As set out above it is considered that there are policies within the Local Plan most important for determining the application that are out of date (policies ENV1 and H3), by reason of the out of date evidence which informed them. Therefore, the acceptability of the development must, therefore be considered in the context of Paragraph 11(d) of the NPPF as set out above.

#### Housing Land Supply

74. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
75. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate in excess of 5 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.

76. Although in a recent written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied paragraph 74, as it was impossible for the Council to have an Annual Position Statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
77. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
78. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and, as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 5 years of deliverable housing can be demonstrated. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
79. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and be achievable with a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this respect the applicant has provided no evidence that the site is deliverable, particularly around developer interest. Significant concerns are raised regarding the costs of the development arising from; site remediation requirements in relation to previous coal mining activity; costs associated with the onsite open space provision; biodiversity mitigation requirements; education contributions; potential off site highway improvement works; archaeological mitigation; extensive SUDS and; complexities around delivering highway access and how this would impact on the viability and attractiveness of the site in a challenging housing market area.

#### Locational Sustainability of the Site

80. Policies GD1, H24 and T1 of the WVDLP jointly seek to promote that adequate and safe pedestrian and cycle routes are provided to facilitate access to services and amenities, prioritising pedestrian and cycle links. The policies also seek to ensure that adequate links and access to public transport are incorporated within the layout of the site, while large sites are required to provide access for public transport networks.
81. These policies are considered consistent in this respect with paragraph 103 of the NPPF which sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF also sets out that applications for development should give priority to pedestrian and cycle movements, facilitate access to high quality public

transport, address the connections between people and places and the integration of new development into the natural and built environment. Policies GD1, H24 and T1 of the WVDLP should therefore be afforded full weight in the decision-making process.

82. Crook is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
83. In terms of distances to services and amenities, the applicant makes reference to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.
84. In this respect, the majority of services and amenities needed to sustain a development of this size are located within the centre of Crook, including larger supermarkets, health facilities. A proportion of the site would be within this walking distance/time however, the extremes of the site would not. The site also relies on a limited number of pedestrian and cycle connections onto Thistleflat Road, which appear to include land outside the applicants control or involve undesirable convoluted pedestrian footpaths which are not overlooked. The proposed vehicular access through an industrial estate would not provide for a safe and attractive environment to encourage pedestrian and cycle access. It is considered likely that given the nature of the routes and distances to the town centre, it would discourage future residents from accessing the town centre by foot.
85. In terms of access by bus, Thistleflat Road is served by an hourly local bus service (0825-1625 Monday to Friday and 0825-1125 Saturdays) to Crook. The service is therefore not particularly frequent and the service ceases at relatively early times of the day. Furthermore, there are elements of the site that would be marginal in terms of access to bus stops due to walking distances of more than 450m. Additional bus services are located on the B6298 / New Road, however, these routes are entirely beyond the 450m recommended walking distance, extending up to 1500m to the extremes of the site.
86. The Council's Sustainable Transport Section advise that in order to improve the accessibility of the site an additional bus in the local network (Mon – Sat 08:00 – 18:00) could be funded. The estimated net cost of such a service would be 60,000 per annum for five years. There would be no opportunities to redirect bus services through the site in its currently proposed layout.
87. The site is considered relatively accessible by cycle, however, this relies on utilising the proposed vehicular access, through the industrial estate and proposed pedestrian links onto Thistleflat Road with no existing dedicated cycle routes or lanes serving the development.
88. It is recognised that a proportion of the site would be within acceptable walking distances to services in the centre of Crook, and within proximity of a local bus service. However, taken in the round, given limited frequency of this bus service, even if the service was improved, the distance of extremes the site from this service and facilities

in the town centre and the nature of pedestrian routes proposed it is unlikely that the development would promote accessibility by a range of methods contrary to Policies GD1, H24 and T1 of the WVDLP and Paragraphs 103 and 110 of the NPPF. This is considered to represent an adverse impact of the development to be weighed in the planning balance.

## Landscape and Visual Impact

89. WVDLP Policy GD1 seeks to protect and enhance the countryside of the Wear Valley, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area, has regard to and retains landscape features while requiring that major developed sites incorporate structural landscaping. WVDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside as permitted by Local Plan policies. These policies are considered consistent with Parts 12 and 15 of the NPPF with paragraph 170 (b) recognising the intrinsic character and beauty of the countryside, trees and woodland whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. However, it is recognised the strategy of Policy ENV1 of the WVDLP in restricting development proposals for agricultural or other compatible uses in the countryside is only partially consistent with the NPPF which takes a more permissible attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. Due to its consistency with the NPPF, policy GD1 can be afforded full weight in the decision-making process.
90. The site is not within a locally or nationally designated landscape, however, as advised by the Council's Landscape Officer, it does form part of an attractive, rolling, pastoral countryside with a largely intact network of hedgerows and many mature hedgerow trees. The site is visible from the existing south western settlement edge of Crook, Thistleflat Road and from the surrounding countryside, including the adjacent public rights of way network, passing through and adjacent to the site. It is advised that the site contributes positively to the setting of Crook, particularly so because the northern edge of the site, which borders the existing settlement boundary, features many trees that soften and give a feeling of maturity to this edge of the settlement.
91. It is also advised that the effect of the erection up to 350 dwellings on the landscape character of the immediate locality would be transformative being of significant harm in the local context. No structural planting is proposed around the periphery of the site and the limited planting indicated would not fully mitigate the impact of the development, which would be read as a significant incursion into the countryside beyond a well-defined boundary to the edge of the existing built environment.
92. Overall, having regard to the advice of the Council's Landscape Officer, the development would represent a significant encroachment into the surrounding countryside, which would not be sensitively related to the existing settlement pattern and would not respect existing natural and landscape features in conflict with Policies GD1 and ENV1 of the DDLP in this respect, and Paragraphs 170 and 127 of the NPPF, representing a significant adverse impact that needs to be taken into account in the planning balance.

## Layout and Design

93. WVDLP Policies GD1 and H24 require development to be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. Furthermore, development should be in keeping with the character and appearance of the area, and be appropriate in terms of form, scale, mass, density and

layout, to its location. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to its consistency with the NPPF, significant weight should be afforded to WVDLP Policies GD1 and H24 in this respect.

94. The NPPF at paragraph 129 also encourages the use of assessment frameworks based on Building for Life 12 (BfL12). In this respect the application has been considered by the Councils Design Review Workshop which, utilising BfL12 as an assessment framework, scored the site poorly. It is considered that significant amendments would be required to the indicative masterplan, to demonstrate that the quantum of development proposed could be satisfactorily accommodated on the site and integrate itself into the surrounding area, particularly around the quantum of open space, connections to the existing developments, incorporation of landscape features and providing adequate structural landscaping to the site boundaries. Such amendments would be necessary to ensure a development comprising of good design but the aforementioned visual and landscape harm due to the incursion into the countryside would still result.
95. These concerns are replicated in separate comments from the Councils Design and Conservation Officer, who advises that while acknowledging the outline nature of the application, the supporting information does not demonstrate that a development with a sense of place and distinctive character could be created. Concerns are raised whether this would be achievable given the quantum of development proposed, the site area and constraints of the site and a significant reduction in the number of dwellings would be required.
96. Overall, based on the submitted information, it is considered that the development would relate poorly to the surrounding area in character, in terms of density and layout and would not achieve a high-quality inclusive development contrary to policies GD1 and H24 of the WVDLP and Part 12 of the NPPF.

#### Highway Safety and Access

97. WVDLP Policies GD1, H24 and T1 set out that developments should be served by a safe means of access and development should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore these policies can be given full weight in in this respect. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the safety of the surrounding roads have been raised by local residents.
98. The proposed sole vehicle access to the site would be taken via Beechburn Industrial Estate, through the formation of a new vehicle access road. The access road would be routed in-between commercial units 9a and 9b and 75 Dickens Way, and would involve the regrading of the land and forming of retaining walls to both the residential dwellings and commercial units.
99. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network. In reviewing the proposals, the Highway Authority advise that the submitted TA does not adequately assess the developments impact on the wider highway network, both in terms of junctions analysed and the nature of the

assessment. On this basis, objections are raised to the development. The applicant has agreed a scope of a new TA, however a revised assessment has not been forthcoming.

100. In terms of the proposed vehicular access, the Highways Authority raise concerns regarding the conflict of the users of the industrial estate and residential traffic, including pedestrian and cyclists. In order to address this, it is advised a 1.8m wide footway would need to be erected either side of the current access road, to be secured by condition. It is also advised that in order to ensure highway safety is maintained it is likely that waiting restrictions would need to be put in place to prevent commercial/industrial vehicles parking on the highway, which currently occurs. This potentially could create displacement issues elsewhere.
101. Due to onsite topography changes, it is likely that retaining structures would need to be erected to facilitate the proposed access. The Highways Authority advise at this stage the applicant has not demonstrated that adequate sight visibility could be achieved in this location, and from the commercial access serving Units 9a to 9d.
102. Overall, on the advice of the Highway Authority, it is considered that insufficient information has been submitted, to demonstrate that a satisfactory means of access could be created, and to demonstrate that the development would have an acceptable impact on the wider highway network. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with WVDLP Policies GD1, H24 and T1 in this respect and paragraphs 108 and 109 of the NPPF.

#### Heritage Issues

103. Crook Conservation Area, containing a number of listed buildings, is located approximately 900m to the north east of the site. Low Woodfield Farm House, a Grade II listed building is located approximately 280 to the north west of the site. Further to the west (approx. 540m from the development site) the Grade II Listed Buildings of High Woodfield Farm House East and West are located.
104. However, it is advised by the Councils Design and Conservation Section that there is limited intervisibility between the proposed development site and Low Woodfield Farm due to the existing vegetation around the south/south-east boundary of the farm and therefore there will be limited impact on the setting of the designated heritage asset. Whilst there is some intervisibility between the proposed development site and High Woodfield East, recent large footprint farm buildings have altered the setting of the designated heritage assets and therefore the development would not have a negative impact in this respect. There is no intervisibility between the site and Crook Conservation Area. The development would therefore comply with WVDLP policies BE1 (consistent with the NPPF), BE4 (partially consistent with the NPPF) and BE8 (partially consistent with the NPPF) and with part 15 of the NPPF in this respect.
105. In relation to Archaeology, policy BE1 seeks to conserve the historic heritage of the District by the maintenance, protection and enhancement of areas of particular archaeological interest. This policy is considered consistent with Paragraph 189 of the NPPF which sets out that, where a site on which development is proposed, includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Policy BE1 should be afforded full weight in this respect.
106. The applicant has submitted a geophysical survey which, as advised by the Archaeology Officer clearly identifies potential archaeological features. The Councils

Archeological Officer advises that the significance of these features is unknown, and that further evaluation by trial trenching is required, as these may be candidates for preservation in situ or require significant excavation. To date, such trial trench evaluation has not been undertaken.

107. Footnote 63 of the NPPF sets out that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. In general terms, this would equate to archaeological findings of national significance and could include a requirement to retain in situ or protect the setting of such assets. This could affect the quantum of development that could be accommodated on site in this respect. On balance, it is considered that there is relatively small risk that the potential archaeological features would be of national / high regional significance, however, a precautionary approach must be taken at this stage and it is, therefore, assumed that the potential archaeological interests of the site are significant. The information is also insufficient to enable the LPA to assess compliance with relevant policy.
108. To date trial trench evaluation has not been undertaken and as a result the application submissions have failed to fully describe the significance of the archaeological interest of the site thereby in conflict with WVDLP Policy BE1 and NPPF paragraph 189. Having regard to Paragraph 194 the NPPF and its associated footnote, should the archaeological interest on the site be of the highest significance then this engages specific tests applicable to designated heritage assets within the NPPF against which the application would need to be assessed. These policies also constitute policies that protect assets of particular importance as listed in footnote 6 of the NPPF paragraph 11(d) planning balance test. However, on the basis of the information submitted by the Applicant, it is unclear whether paragraph 11(d)(i) of the NPPF would be engaged.

#### Open Space/ Recreation Provision

109. Policy GD1 of the WVDLP sets out that adequate open space is incorporated within the design and layout of the site. This is detailed further in WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development, or as an alternative, developers are expected to make a contribution to the provision of such facilities. This is replicated in WVDLP H24 also sets out that on developments of more than 10 dwellings, the Council will seek to negotiate a contribution, where appropriate, to the provision and subsequent maintenance of social, community and/or recreation facilities in the area. The policy identifies that there is a shortage of playing fields within the Crook Area. NPPF paragraph 96 highlights that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
110. The targets referred to in Policy RL5 and the background supporting information of the policies have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policies RL5 and H24 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policies are not fully up to date.
111. The OSNA sets out the requirements for public open space on a population pro rata basis. For a development of 350 houses this equates to 0.69 ha of allotment space,

1.07ha parks and recreation typologies, 0.69ha of child and youth play space and 1.15ha of amenity/natural green space. The OSNA sets out that on developments of this scale, these typologies should normally be provided on site. A bench-marked cost of £1,101,870 with the addition of maintenance is calculated.

112. Sport England have also provided comments on the application setting out that within the Crook area there is a shortage of playing fields and that a development of this scale would be required to mitigate its impact in this respect. A contribution of £311,250 is sought, the applicant has not advised whether they would be willing to meet this requirement, however this could be secured by a S106 legal agreement.
113. Overall, based on the submitted information, the submitted application and proposed masterplan does not make provision for the open space and recreation typologies required under the 2018 OSNA. The development is therefore considered to conflict with policies GD1 and RL5 of the WVDLP and paragraphs 96 and 127 of the NPPF.

## Ecology

114. WVDLP Policy GD1 seeks to ensure that developments would not endanger or damage important national or wildlife site or that of the ecology of the wider area. This policy. This policy is considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains. Policies ENV10 and ENV11 provide advice in regards to Sites of Special Scientific Interest and local designated ecological sites and these are considered consistent with the NPPF.
115. A Preliminary Ecological Appraisal has been submitted in support of the application. The report identifies that there are no designated ecology sites within the immediate area, and that the site as a whole is considered to be of local ecological value. It is however identified that a breeding bird survey and a bat activity survey should be undertaken to inform the development proposals. To date no survey work has been undertaken.
116. The Council's Ecology Section advise in line with the submitted report, surveys for bats and breeding birds should be undertaken in advance of any approval of the application, in order to secure appropriate mitigation if required. It is also advised that no assessment of the likely losses in biodiversity, caused by the proposals has been undertaken. Given the number of houses proposed, it is advised that there is likely to be an overall net loss in biodiversity, and appropriate compensation would be required either on or off site in order to meet the requirements of the NPPF in this respect.
117. Overall, due to the lack of survey work in relation to the presence of bats and nesting birds on the site, and as no consideration as to whether or how the development would achieve a net biodiversity gain. It is considered that there is insufficient information to enable an assessment against WVDLP Policy GD1 and Part 15 (paragraphs 170 and 175) of the NPPF in this respect and also to enable the Council to discharge its obligations under the Conservation of Habitats and Species Regulations 2017 with regard to European protected species

## Residential Amenity

118. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distance. These policies are considered consistent with parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new

and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. Full weight can therefore be afforded to WVDLP Policies GD1 and H24.

119. The submitted masterplan sets out that separation distances in excess of 21m between habitable room windows to existing neighbouring residential dwellings can be achieved, which would prevent any loss of amenity/overlooking in this respect. Further scrutiny of this matter and the internal site layout would be given at the reserved matters stage, particularly having regard to the above discussion on open space that the required levels of such space have not been indicated on the layout.
120. A noise impact assessment has been submitted in support of the application, which considers the existing noise climate and impact on the development. It concludes that the acoustic environment would not impact on the layout of the development and mitigation would not be required. In reviewing this matter, the Environmental Health and Consumer Protection (Pollution) Officers have sought clarification from the applicant regarding the positioning of commercial units and the impact of noises generated on the development site. No further information has been forthcoming on this matter.
121. In this respect, whilst it would be desirable that the concerns of Environmental Health and Consumer Protection (Pollution) Officers are clarified. It is considered that a conditional approach could be adopted requiring the submission of an amended assessment in support of any reserved matters application. This could require amendments to the site layout or mitigation measures. It is also recognised that the proximity of existing dwellings to existing businesses currently provide restrictions on how the businesses could operate.
122. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection Officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition, construction related impacts could be adequately mitigated.
123. In relation to land contamination, the applicant has submitted a desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site. However, further site investigation work is recommended. After reviewing the submitted report, Environment, Health and Consumer Protection (Contaminated Land) Officers advise that the submitted desk top study is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.
124. The Environmental Health and Consumer Protection (Air Quality) Officers advise the site is not in close proximity of any Air Quality Management Areas. However, an Air Quality Assessment has been submitted, assessing the impact of the development. It concludes that the modelled levels of air quality are below the national air quality objectives and, therefore, no objections to the application are made. The Environmental Health and Consumer Protection (Air Quality) Officer agrees with the conclusions of the report and raises no objections in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition.

## Flooding and Drainage

125. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
126. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SUD's) including a detention basin to attenuate surface water in 1 and 100 year flood events before discharging to a water course.
127. The Councils Drainage and Coastal Protection officers advise that whilst the Flood Risk Assessment (FRA) is relatively comprehensive, a layout plan showing drainage runs and land identified for a surface water management train with SuDS features such as swales infiltration drains, filter strips etc. should be provided in support of the application. The application refers to the mining report and dismisses the use of some SuDS methods due to contamination, however shallow swales and filter strips could be used without the risk of contamination to transmit water through the site and improve water quality as required. It is further advised that there is a 4m level change across the SuDS storage area, deliverability of this element (due to proximity of proposed highway and land conditions) is questioned.
128. In considering this matter, and recognising the outline nature of the application, it is considered that a final site layout could potentially be developed to include SuDS features, recognising that a final detailed design may impact on the quantum of development achievable. In relation to foul water, it is proposed to connect to the existing sewerage network via an onsite pumping station, to which Northumbrian Water raise no objections to.
129. Subject to conditions requiring the implementation of the drainage strategy, including the submitted management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

## Ground conditions

130. In relation to land contamination the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.
131. Paragraph 170 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. In this instance, the application site lies within the Coal Authority's Coalfield Area of high risk. A coal mining risk assessment, considering unstable land, has been submitted in support of the application setting out that intrusive ground investigation works, including a gas monitoring programme are required in order to determine the exact situation in respect of coal mining legacy issues (shallow mine workings and exact location / condition of mine entry). The report sets out that if workings and or mine entries are found, stabilisation works would need

to be considered. The Coal Authority raise no objections to this strategy further to reviewing and securing the detailed site investigations and proposed mitigation by condition prior to the commencement of development.

## Planning Obligations

132. Policy H15 of the WVDLP sets out that the Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing. This policy is considered consistent with paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. The council's Strategic Housing Market Assessment is the most up to date evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing. In terms of the split between social/affordable rented and intermediate tenure products, the SHMA outlines a tenure split of 76.5% affordable (social) rented and 23.5% intermediate tenure. For the purposes of implementation, as part of a planning application the tenure split as set out in the SHMA is rounded to an 80:20 ratio (Affordable (social) rented: intermediate tenure).
133. The site falls within a low viability area, this means that 15% of properties on the scheme would need to be affordable, this equates to 53 units if the site delivered 350 units. It is indicated that 15% would be delivered on site. There is a requirement to provide 10% of the private and intermediate properties for older people. The applicant has indicated that this level of provision would be delivered, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
134. The NPPF at Paragraph 72 sets out that the Government attaches great importance to ensuring sufficient availability of school places to meet the needs of existing and new communities. The School Places and Admissions Manager advises that a development of 350 houses could produce an additional 105 primary pupils and 42 additional secondary pupils. It is identified that based on projected school rolls, taking into account the likely implementation timeframe of the development there are sufficient secondary school places to accommodate the development. However, in relation to primary school pupils it is advised that there would not be sufficient capacity within existing primary schools to accommodate the development while maintaining an appropriate buffer. In line with the Councils Policy in securing developer contributions as the development exceeds 300 dwellings a feasibility study should be carried out to establish whether existing primary schools could be expanded and the resultant cost. It is likely that 4 classrooms plus other supporting facilities would be required. Without this feasibility work, the minimum cost of providing additional primary school space is calculated at £1,543,815. Accordingly, the applicant has provided insufficient information to enable an assessment of this issue.
135. The NHS advise that a contribution of £24,150 is sought to increase the capacity of existing health care facilities in the electoral division.
136. The applicant has provided no confirmation that they would be willing to enter into a S106 agreement to secure the obligations for NHS and Education financial contributions.

## Other Issues

137. NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant

development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. A site-specific investigation into the land classification has been submitted identifying that the site does not contain best and most versatile agricultural land (grade 3b).

138. Policy BE23 of the WVDLP sets out that in appropriate cases, the Council will encourage the provision of works of art as part of development. A conditional approach could be adopted to secure this requirement.
139. Concerns have been raised regarding the potential loss of view from residential properties of the countryside and devaluation of properties, however there are not a material consideration.

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## **CONCLUSION**

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140. The development would result in development beyond the established settlement boundaries of Crook, impacting on the character and appearance of the countryside, in conflict with policies GD1, ENV1 and HP3 of the WVDLP. The development would not promote accessibility via a genuine choice of transport modes Furthermore based on the submitted information the development is considered to represent poor design and would not make adequate provision for future residents in terms of open space, sport and recreation provision contrary to WVDLP Policies GD1, RL5 and H24. Insufficient information has been submitted to establish whether the development could achieve a suitable means of access and would have an acceptable impact on the wider highway network, contrary to policies GD1 and T1. It is also considered that insufficient information has been submitted to establish whether the development would preserve the ecological interests of the site. The NPPF is a material planning consideration capable of outweighing conflict with the development plan.
141. NPPF paragraph 194 and its associated footnote 63, sets out that if non-designated heritage assets of archaeological interest of demonstrable equivalent significance to scheduled monuments would be affected by development then this must be considered against the NPPF policies for designated heritage assets at paragraphs 195 and 196. Should substantial harm or loss of significance of archaeological interest of such significance occur then this should be wholly exceptional. The advice contained within paragraphs 195 and 196 of the NPPF constitute policies that protect assets of particular importance as listed in footnote 6 of the paragraph 11d planning balance test and accordingly, there is potential for paragraph 11(d)(i) to be engaged. At this stage the applicant has failed to fully describe and assess the significance of the archaeological interest of the site. At this stage it cannot be determined whether paragraphs 195 or 196 of the NPPF apply to the development. development. However, on the assumption that paragraph 11(d) is not disengaged, then is it necessary to apply the titled balance test which requires the grant of planning permission unless the adverse impacts of so doing significantly and demonstrably outweigh the benefits.

### *Benefits*

142. The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate 5.96 years of deliverable housing land supply (8,404 dwellings) against an objectively assessed need and a further 15,946 committed dwellings beyond the five-year period. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced

while recognising the detailed nature of this application and likely timings of housing deliveries.

143. Typical of any residential housing development, the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
144. The development would provide an increased range of house types including 15% affordable housing units and 10% older persons housing, which would meet an identified short fall within the County.
145. The provision of SUDS has the potential to reduce runoff rates on the developed portion of the site below current greenfield run off rates.

#### *Adverse Impacts*

146. The proposed development would amount to a substantial incursion into the countryside which would result in adverse harm to the character of the local landscape and surrounding area.
147. Even taking into account potential improvements to the existing bus services, the distance and nature of walking routes to the centre of Crook, and the distances to bus stops from extremes of the site is unlikely to promote accessibility by a range of methods.
148. Based on the submitted information the development would relate poorly to the surrounding area in character, in terms of density and layout and would not achieve a high-quality inclusive development.
149. The development would not ensure that future residents would have access to high quality open spaces and opportunities for sport and recreation facilities.
150. Furthermore, there is insufficient information to enable a proper assessment of the wider highway impact, suitability of the proposed site access and ecological impact.
- 137 Overall on balance, in the event that paragraph 11d)ii of the NPPF is engaged, in this instance the above adverse impacts are considered to significantly and demonstrably outweigh the benefits associated with the development and would not outweigh the conflict with local plan policies.
- 138 The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

1. The Local Planning Authority considers that the development would represent a significant encroachment into the countryside, which would not be sensitively related to the existing settlement pattern and would result in a detrimental impact upon the landscape which would not respect existing natural and landscape features and the

landscape setting in conflict with Policies GD1, H3 and ENV1 of the Wear Valley District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework.

2. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1, H24 and T1 of the of the Wear Valley District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework.
3. The Local Planning Authority considers that, based on the submitted information, adequate open space would not be provided within the development, contrary to Policies GD1 and RL5 of the Wear Valley District Local Plan and paragraphs 96 and 127 of the National Planning Policy Framework.
4. The Local Planning Authority considers that, based on the submitted information, the development would relate poorly to the surrounding area in character, in terms of density and layout and would not achieve a high-quality inclusive development contrary to policies GD1 and H24 of the Wear Valley District Local Plan and Paragraph 127 National Planning Policy Framework.
5. The Local Planning Authority considers that insufficient assessment has been undertaken to evaluate the significance of the archaeological interest of the site in conflict with Policy BE1 of the Wear Valley District Local Plan and paragraph 189 of the National Planning Policy Framework.
6. The Local Planning Authority considers that insufficient assessment has been undertaken to demonstrate that the development would have an acceptable impact on the wider highway network, while achieving a safe and satisfactory means of access, contrary to policies GD1, H24 and T1 of the Wear Valley District Local Plan and having regards to the advice at paragraphs 108 and 109 of the National Planning Policy Framework.
7. The Local Planning Authority considers that insufficient assessment has been undertaken to evaluate the ecological interest of the site and thereby whether impacts upon biodiversity including protected species would be acceptable in conflict with Wear Valley District Local Plan Policy GD1 and advice contained within paragraphs 170 and 175 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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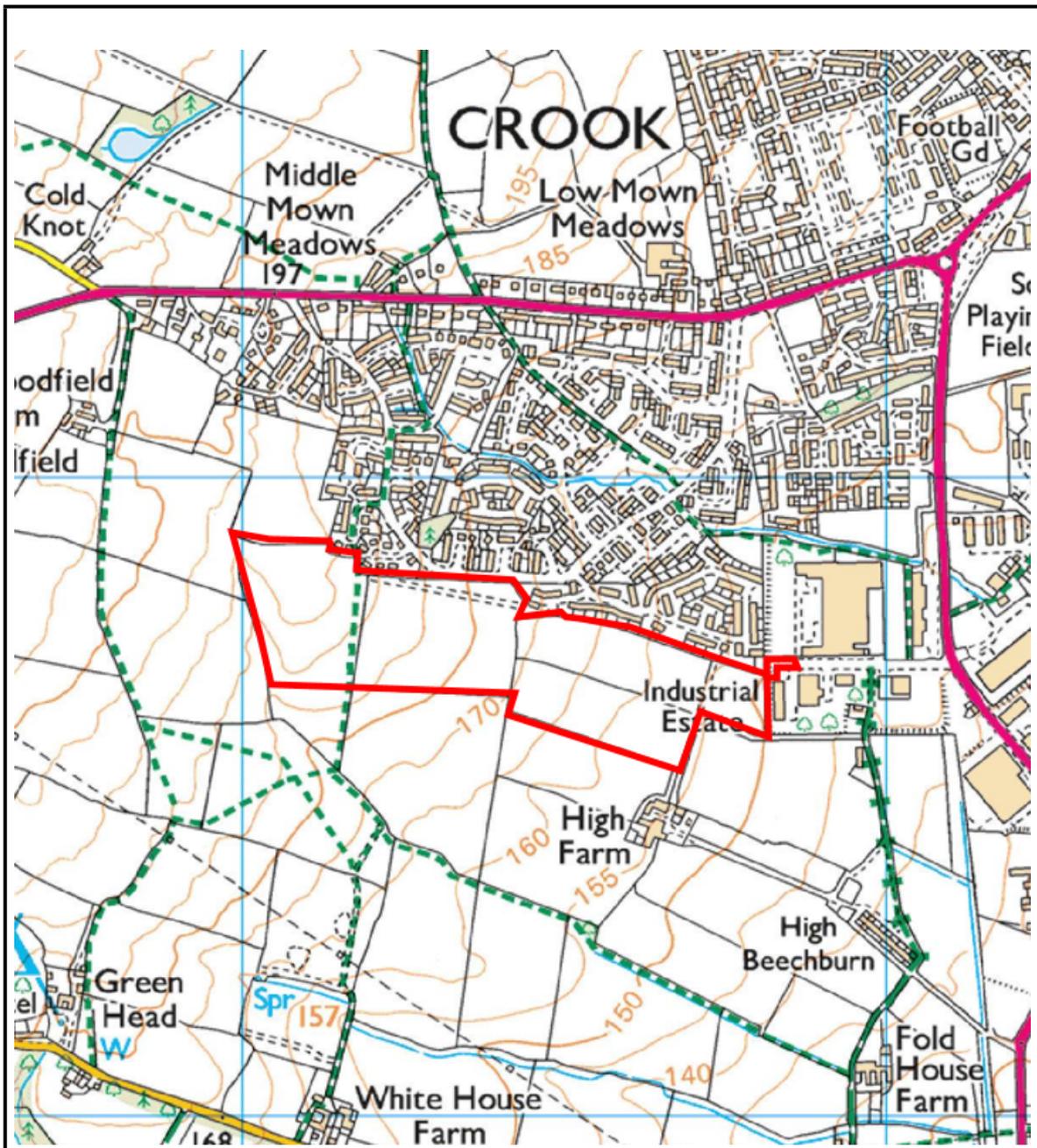
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Wear Valley District Local Plan

The County Durham Plan (Pre Submission Draft)  
The County Durham Strategic Housing Land Assessment  
The County Durham Strategic Housing Market Assessment  
Statutory, internal and public consultation responses



**Planning Services**

DM/18/03622/OUT

Outline Planning Application for up to 350 dwellings including means of access (all other matters reserved)

John & Bertha Elizabeth Rawe & Future Habitat Ltd

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**Comments**

**Date** June 2019

**Scale** Not to scale

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/02483/MIN
<b>FULL APPLICATION DESCRIPTION:</b>	North-western extension to Heights Quarry for the winning and working of 6.97 million tonnes of limestone, extension of time to 2046 and restoration of the site to a mix of habitats, pasture land, woodland, and public access.
<b>NAME OF APPLICANT:</b>	Aggregate Industries UK Ltd
<b>ADDRESS:</b>	Heights Quarry, Westgate, Bishop Auckland
<b>ELECTORAL DIVISION:</b>	Weardale Chris Shields Senior Planning Officer
<b>CASE OFFICER:</b>	Tel. 03000 261 394 <a href="mailto:chris.shields@durham.gov.uk">chris.shields@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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The site

1. Heights Quarry is a large, established operational carboniferous limestone quarry located approximately 1.5km to the east of the village of Westgate. The quarry is 60 hectares (Ha) and under the current planning permission extraction is required to cease by 2042 with restoration by 2043. The proposed extension is 12.27Ha.
2. The southern and eastern boundary of the existing quarry is defined by the course of the former Rookhope and Middlehope Railway, which now forms the route of "A Pennine Journey", a long distance recreational route. The western boundary is partly formed by rough pasture consisting of the eastern ridgeline of the associated Park Burn watercourse and the northern boundary by rough pasture land associated with Weather Hill and Heights Pasture, which form part of the foothills of the moorland areas known as Northgate Fell and Windy Hill. A section of Weardale Way, another long distance recreational route also passes through the northern section of the proposed extension area. To the east of the site these two recreational routes partly coincide. The southern boundary consists of walled pasture fields that fall away to the A689. The site lies within the relict medieval Stanhope Deer Park.
3. Access to the quarry is gained directly from the A689 via a metalled internal service road running broadly north-south. The nearest residential properties are located in the villages of Westgate approximately 1.5km west and Eastgate approximately 1.8km east of the site. The larger settlement of Stanhope is located approximately 6km to the east. The nearest individual properties are Old Park House approximately 580m to the south, Warden Hill and Chester house approximately 770m to the west and

Rose Hill approximately 550m to the east. The site is surrounded by agricultural land interspersed with farm buildings, small plantations and former mineral workings.

4. Heights Quarry and the proposed north-western extension area are located within the North Pennines Area of Outstanding Natural Beauty (AONB). The AONB was designated in 1988 and covers almost 2,000 square kilometres. It is the second largest of the 41 AONBs in England and Wales. This is an upland landscape of heather moorland and green settled dales, an internationally important biodiversity and geology and a rich historic environment. In June 2003 it was the first area in Britain to be awarded European Geopark status, a UNESCO backed designation for areas of world class geology. In 2015 UNESCO created a new designation called Global Geoparks which was conferred on the North Pennines AONB. This comes without any restrictions on development and the primary focus is on using Earth heritage to support sustainable economic development primarily through geological and responsible tourism.
5. The site is located within the undulating and varied landform associated with the southern facing slopes of the Weardale Valley. The landform falls steeply to the south towards the valley of the River Wear. The general topography of the site is a moderate slope with an overall dip to the south west, topping out at Weather Hill. The land can be best described as typical high northern open pasture land. Most of the extension area and remaining unstripped areas of the permitted site are covered by a mosaic of semi-improved acid grassland and species-poor marshy grassland.
6. Three Sites of Special Scientific Interest (SSSI) and three Local Wildlife Sites (LWS) are present in the vicinity of the quarry although all are at least 1km from the proposed extension. The closest SSSI's are West Rigg Open Cutting approximately 1km to the west, Slit Woods approximately 1.5km to the west and Westerhope Burn Wood approximately 1.2km to the south. The closest LWS sites are Ambling Gate Bank approximately 1.6km to the north east, Sunderland Cleugh approximately 1.3km to the east and Scutter Hill Quarry 1.2km to the west. The North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) are located approximately 2.2km to the east. Other important ecological features identified in the vicinity of the site include breeding wader assemblage, the Park Burn and black grouse. Park Burn runs south along the western side of the proposed western extension. This forms a small valley with steep grassy sides. Along the valley floor there are stands of marshy grassland. An area of old mine workings is present in the Proposed Western Extension. Spoil mounds here support an herb-rich calcareous/metalliferous grassland flora.
7. In terms of cultural heritage assets there are eight Grade II listed buildings within 1km of the site including the Field Barn and Wall at junction of Heights Quarry Road 600m to the south, Milepost about 120m East of Park House Farmhouse 770m to the south, Barn and Byre North of Old Park Farmhouse 590m to the south, Old Park Farmhouse with Cottage and Byre Attached 590m to the south, Barn and Stable Range to the East Park House Farmhouse, Outbuilding to South of Park House Farmhouse, New Park and Cottage Adjoining all 750m to the south and Warden Hill Farmhouse 800m to the south west. A total of five Scheduled Monuments are situated within 2km of the application area, with a Scheduled Romano-British enclosure north-west of Old Park House 250m to the south and Cambokeels Medieval Site 700m to the south the only Scheduled Monuments situated within 1km of the Site. Westgate Conservation Area is located approximately 1.3km to the south west of the site. There are undesignated heritage assets in the form of the former Heights Mine to the immediate west of the site and possible occurrences of prehistoric, Romano-British and medieval archaeological remains.

8. There are several Public Rights of Way within the vicinity of Heights Quarry. Footpath No.44 (Stanhope Parish Rookhope Ward) is located to the north of the site joining with Footpath No. 32 (Stanhope Parish Westgate Ward) to the east and Footpath No.17 (Stanhope Parish Rookhope Ward) to the west. Footpath 32 (Stanhope Parish Rookhope Ward) also runs to the south of the site (partially within the site boundary) and joins Footpath No.20 (Stanhope Parish Westgate Ward) to the south west. Footpath No.44 is within the area proposed for the north west extension to the site.

#### PROPOSAL:

9. The proposed development is a consolidating planning application of the existing planning permission together with a western extension beyond the existing north western boundary of the currently permitted site. This would result in a new planning permission for the existing quarry area and the proposed extension.
10. The remaining permitted reserves of high quality carboniferous limestone within the existing quarry were estimated at 2.98 million tonnes quarry at the end of 2018. However, the majority of these consented reserves are overlain by overburden at various depths (clays, shales etc). This impacts upon the economic viability of working the remaining reserves. An extension to the site would enable the permitted reserves to be extracted because there would be a more favourable balance of limestone to overburden.
11. The application includes amendments to the working and restoration proposals for the existing site and a comprehensive scheme to cover the entire site and extension has been submitted.

#### Proposed scheme of working

12. It is estimated that a total of 6.97 million tonnes of limestone would be recovered from both the existing permitted quarry and the extension area which would be extracted up to 2046 with a further year for restoration. It is anticipated that extraction rates would continue at around 250,000 tonnes each year. It is also proposed to export sandstone that is encountered during operations. It is estimated that approximately 50,000 tonnes of incidental sandstone would be extracted from each phase of works and sold if it meets the required quality standard. Low quality sandstone would be used in restoration as overburden.
13. Mineral extraction currently taking place in the north eastern corner of the quarry with the quarried mineral being transported by dump truck to the hopper located within the processing plant area in the southern part of the quarry. Following on from the current extraction area, extraction operations would continue in a westerly direction from the existing operational area. Working would then continue in a northerly direction into the proposed extension area. The site is to be worked in phases, these being Phase 1B, Phase 1C, Phase 2 and Phase 3. Phases 1B and 1C are a continuation of the existing quarry area with Phases 2 and 3 being the proposed extension area.
14. Extraction of limestone is carried out by stripping back soils and overburden and blasting the exposed rock in sections. Blasts are designed to produce maximum fragmentation of the rock to reduce secondary breaking and so that it is manageable for an excavator to load it into a dumptruck. The blasted rock is transported by dumptruck to the processing plant in the south east corner of the site for crushing and screening. Approximately half of the material extracted is used as an aggregate for concrete manufacture with the remaining portion used as roadstone, the majority of which is coated as asphalt.

15. Whilst the extraction operations are taking place there would be a phased removal of overburden from the current and future extraction areas which would be transported by dump truck and utilised as part of the progressive restoration of the site.
16. The existing processing plant structures and ancillary facilities and activities would continue to be utilised. This would include the continued use of the existing coating plant which uses the site access.

#### Soil stripping and storage

17. Soils would be stripped in sequential strips using an excavator with a flat bladed bucket, in accordance with the MAFF Good Practice Guide for Handling Soils. Stripping would be carried out when the ground is firm enough to carry the weight of machinery without undue risk of soil structure damage through compaction and smearing of wet soil. Topsoils across the site are very thin, with varying resource thickness across the site. The Agricultural Land Classification (ALC) for the site is between Grades 4 and 5 with no soils classed as best and most versatile. The available topsoil and upper layers of subsoil would be stripped as a single resource to a depth of 200mm across the site and stored separately or placed into direct restoration as required. The lower subsoils on the site are heavy and poorly structured with anything below a depth of 200mm being classed as overburden for agricultural purposes. Topsoil mounds would be approximately 3m in height and subsoil mounds up to 5m in height within the existing quarry void.

#### Working hours

18. The working hours proposed at the quarry are as existing with mineral extraction operations restricted to 06:00 to 19:00 Monday to Saturday and 07:00 to 12:00 on Sundays. It is proposed that distribution of quarried stone and manufactured materials, use of any pumping equipment, carrying out of essential maintenance and servicing of plant and machinery would remain unrestricted, as per the existing permission.

#### Traffic and access

19. Vehicles enter and exit via the site access track from the A689 and no change to this arrangement is proposed. The site is currently not limited to a fixed number of vehicle movements but it is anticipated that this would typically be less than 160 per day (80 in and 80 out).

#### Restoration

20. The existing restoration proposals for Heights Quarry are to return as much of the site to agricultural grazing as possible. A portion of the southern edge of the site has been worked and restored and returned to grazing land and has passed through aftercare period. The proposed restoration scheme for the site would be to maintain the ecological landscape, amenity and agricultural aspects of the existing site restoration whilst integrating the western extension into the scheme.
21. The restored part of the site on the southern boundary, which is now grazing land, is within the planning application boundary but has passed through aftercare and no further works are proposed within this area. The eastern half of the quarry would all be returned to grazing land and calcareous grassland with overburden material tipped in this area having a slope varying between 1:3 and 1:5 gradient to provide an effective surface drainage. The north facing slope would comprise of overburden with variable

material composition mixing areas of exposed shale with those of boulder clay and leaving a variable slope angle to increase micro-habitat biodiversity.

22. As part of the restoration proposals a “viewing point” is proposed along with a geological interpretation board on the Weardale Way looking in at the restored quarrying face. This would recognise and support the UNESCO Global geopark designation and would assist in developing the existing geological trails in this area.
23. The existing plant site and stocking yard would be removed following the completion of mineral extraction and processing. This area would be restored to calcareous grassland that would extend in a northerly and then westerly direction. In total there would be almost 24Ha of calcareous grassland created. The southern embankment and former stock area would be regraded to a gentler slope prior to seeding and scrub planting.
24. The north western area of the quarry including the proposed extension area would be left as quarry floor with bare rock exposures. The sandstone and limestone benches/faces would be retained as geological features and wildlife habitat. The existing access road would be retained for future maintenance and access for ongoing management and a new surfaced track would be created from the existing access road to further assist in the ongoing management.

#### Aftercare

25. Following the final placement of soils, the site would be required to enter a statutory 5 year aftercare period. During this period the site operator would annually submit an aftercare report summarising progress at the site. The report and the works proposed for the following year would be discussed at an annual aftercare meeting attended by the Mineral Planning Authority and other relevant stakeholders. Such requirements would be secured through condition.

#### Employment

26. The proposal would maintain employment of 38 people at the quarry, this being 18 employed on site and 20 HGV drivers. Up to 12 additional people are employed during earth moving operations with potentially an additional 8 seasonal workers.
27. The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES, additional environmental information and that arising from statutory consultations and other responses.
28. This application is being reported to the County Planning Committee because it involves major minerals development.

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## **PLANNING HISTORY**

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29. Heights Quarry is a long established carboniferous limestone quarry that predates the planning system. The first planning permission for the site was issued in 1963, which was subsequently reviewed under the Environment Act 1995 with new working conditions deemed approved in 2003.
30. Planning permission was granted in 2014 for a change of use of part of the site for the recycling of road planings and road base. This part of the site has it's own conditions and would cease to operate once the site is restored.

31. The asphalt coating plant on the site was granted planning permission in 1983 with a condition requiring dust emissions to be controlled and for the plant to be removed on the cessation of quarrying.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

32. A revised National Planning Policy Framework (NPPF) was published in February 2019. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
33. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
34. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
35. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
36. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
37. *NPPF Part 9 – Promoting sustainable transport* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
38. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change*  
- The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help

to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

39. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
40. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
41. *NPPF Part 17 – Facilitating the sustainable use of minerals* – Advises that minerals are recognised as being essential to support sustainable economic growth and our quality of life noting that it is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. Advises that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates, including by preparing a Local Aggregate Assessment and making provision for the maintenance of landbanks of at least 10 years for crushed rock, whilst ensuring the capacity of operations to supply a wide range of materials is not compromised. In determining planning applications for minerals development there are a number of matters to take into account. These matters include giving great weight to the benefits of the mineral extraction including to the economy; ensuring that there are no unacceptable adverse impacts on the natural environment and human health, taking into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality, and providing through condition for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

<https://www.gov.uk/guidance/national-planning-policy-framework>

42. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to mineral development and their working and restoration and the principal environmental issues of minerals working that should be addressed by mineral planning authorities. These include air quality, conserving and enhancing the historic environment, flood risk, light pollution, natural environment, noise, transport and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

#### **County Durham Minerals Local Plan (December 2000) [MLP]**

43. *Policy M1 – Maintenance of Landbanks* – Advises that a landbank of 10 years supply of crushed aggregate shall be retained for the life of the plan.

44. *Policy M3 – Extensions to Mineral Workings* – states that extensions to existing mineral workings, other than for opencast coal or fireclay, will be permitted provided they meet specific criteria.
45. *Policy M10 – Preferred Areas* – states that proposals for working dolomite, limestone for cement manufacture, brickclay and barytes from areas defined in the proposals will be permitted subject to being consistent with the resource management and environmental protection policies of the Plan.
46. *Policy M12 - Proposals outside identified areas* - Relates to planning applications in areas outside areas of search, preferred areas and designated landscape areas. The policy advises that proposals will only be permitted where “one or more of the criteria in the policy applies”.
47. *Policy M19 – Concurrent Working of Minerals* – encourages the working of two or more minerals from the same site provided that the proposal remains environmentally acceptable and the site restoration is not significantly delayed.
48. *Policy M22 – North Pennines Area of Outstanding Natural Beauty* - states that mineral extraction in or adjacent to the North Pennines AONB will not be permitted except in exceptional circumstances and where one of a number of criteria apply including a) there is an overriding national need for the mineral which cannot be met from alternative sites or sources elsewhere, including suitable secondary or recycled materials, and which is sufficient to outweigh the need to conserve the character of the area.
49. *Policy M24 – Local landscapes* – requires that the scale of 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 provide landscape improvements where appropriate.
50. *Policy M27 – Local Sites* - states that minerals development which may have an adverse effect which affects regionally or locally identified sites of nature conservation interest including SNCl or ancient woodlands will not be permitted unless the MPA is satisfied that there are reasons for the proposal that outweigh the need to protect the site’s intrinsic qualities.
51. *Policy M29 – Conservation of nature conservation value* – requires all proposals for minerals development to incorporate appropriate measures to ensure any adverse impact on the nature conservation interest of the area is minimised.
52. *Policy M30 – Listed buildings/Conservation areas* – states that planning permission for mineral development will not be permitted where this would have an unacceptable adverse impact on listed buildings, conservation areas, or their settings.
53. *Policy M31 – Archaeological field evaluation* – 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.
54. *Policy M32 – Archaeological remains* – states that where nationally important archaeological remains, whether scheduled or not, and their settings are affected by a proposed mineral development there will be a presumption in favour of their preservation in situ. Proposals for mineral development that would have a significant adverse effect on regionally important remains will only be permitted where no other

suitable locations are available; or where there is an overriding need for mineral which outweighs the requirement for physical preservation.

55. *Policy M33 – Recording of Archaeological remains* - states where the preservation of archaeological remains in situ is not appropriate planning permission will not be granted unless satisfactory provision has been made for the excavation and recording of the remains.
56. *Policy M34 – Agricultural land* – states that mineral development which affects or is likely to lead to the loss of 20 or more hectares of the best and most versatile land (Agricultural Land Classification Grades 2 and 3a) will not be permitted 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.
57. *Policy M35 – Recreational Areas and Public Rights of Way* – Mineral development that would have an unacceptable impact upon the recreational value of the countryside, and in particular facilities such as paths and other public rights of way will not be permitted unless there is a need for the mineral which cannot be met from suitable alternative sites or sources.
58. *Policy M36 – Protecting local amenity* – 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.
59. *Policy M37 – Stand off distances* - states that unless it can be demonstrated that the amenity of local communities can otherwise be protected from the adverse impacts of mineral working, mineral development will not be permitted where the extraction or associated activities are within 250 metres of a group of 10 or more dwellings.
60. *Policy M38 – Water Resources* – 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.
61. *Policy M40 – Scope for Rail Use* - seeks to reduce greenhouse gas emissions and reduce congestion by moving minerals from road to rail.
62. *Policy M42 – Road traffic* – states that mineral development will only be permitted where the traffic generated can be accommodated safely and conveniently on the highway network and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
63. *Policy M43 – Minimising traffic impacts* – requires that planning conditions should be imposed, and planning obligations or other legal agreements sought, to cover a range of matters such as routeing of traffic to and from the site, highway improvements or maintenance, prevention of the transfer of mud and dirt onto the public highway and operating hours of lorry traffic to and from the site.
64. *Policy M45 – Cumulative Impact* – 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.

- 65. *Policy M46 – Restoration conditions* – 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.
- 66. *Policy M47 – After uses* – provides advice in relation to proposals for the after use of mineral sites.
- 67. *Policy M50 – On site processing* – where planning permission is required, minerals processing and manufacturing plant, and other developments ancillary to mineral extraction, will be permitted within the boundaries of mineral extraction sites subject to certain criteria.
- 68. *Policy M51 – Storage* - In granting planning permission for mineral stocking areas conditions will be imposed to ensure the minimisation of environmental impact, time limits on storage of materials after working has ceased and preventing the import of materials from elsewhere.
- 69. *Policy M52 – Site management* – states that when considering planning applications for mineral development the ability and commitment of the intended operator to operate and reclaim the site in accordance with an agreed scheme will be taken into account.

**Wear Valley District Local Plan (March 1997) [WVLP]**

- 70. *Policy ENV2 - The North Pennines Area of Outstanding Natural Beauty* - This policy advises that priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty as identified on the Proposals Map, when considering proposals for development. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.
- 71. *Policy ENV10 - Sites of Special Scientific Interest* - This policy advises that the conservation value of Sites of Special Scientific Interest (SSSI's) as identified on the Proposals Map either directly or indirectly will only be permitted if: i) the development is of overriding national importance so as to outweigh the special interest of the site; and ii) the development cannot be located elsewhere.

**EMERGING POLICY:**

The County Durham Plan (CDP)

- 72. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

## NEIGHBOURHOOD PLAN

73. There is currently no relevant neighbourhood planning activity in the vicinity of the site in question that would need to be taken into account in the consideration of this planning application.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (County Durham Minerals Local Plan and Wear Valley District Local Plan)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

74. *Highways Authority* – has raised no objections stating that that the surveyed site traffic is anticipated to carry on essentially as before but over a longer time than the extant consent (4 years beyond the extant consent, and 17 years after the period when the existing consented area would be exhausted). The observations set out in the Transport Assessment are accepted. In keeping with other similar consents elsewhere, officers advise that it may be prudent to condition maximum daily HGV movements
75. *Environment Agency* – has raised no objections to the proposals but due to some uncertainty with regards to the height of the water table in the north west corner of the site, has requested a condition be imposed that restricts any active dewatering. This is in order to protect groundwater and groundwater fed receptors, including surface waters, springs and abstractions, within the vicinity of the site.
76. *Drainage & Coastal Protection* – has raised no objections to the proposals noting that there does not appear to be any flood risk during the working process or restoration and that the existing robust method of surface water control measures should be maintained and continued for the extension to the site.
77. *Northumbrian Water* – advises that it has made no comments having assessed the impact of the proposed development on its assets and assessed the capacity within Northumbrian Water’s network to accommodate and treat the anticipated flows arising from the development.
78. *Natural England* – has raised no objections to the proposals but has provided advice in relation to the North Pennine Moors Special Protection Area (SPA) Muggleswick, Stanhope and Blanchland Common Site of Special Scientific Interest (SSSI) and the North Pennines Area of Outstanding Natural Beauty (AONB). Information is also provided in relation to Best and Most Versatile Agricultural Land, protected species, local sites and priority habits and species, ancient woodland and veteran trees, environmental enhancement, rights of way, access and recreation and biodiversity duty.

### INTERNAL CONSULTEE RESPONSES:

79. *North Pennines AONB Partnership* – has not specifically objected to the proposals but consider that there would be no opportunity within the proposed restoration to mitigate for the loss of wader habitat that would result from the quarry extension. As a result, the Partnership consider it necessary to include and fund a satisfactory and proportionate scheme of habitat improvements away from the worked area to address this impact and to ensure net gain for biodiversity. Officers requested further

information relating to the impacts of the proposal on the hydrology and visual impact. The Partnership welcomed the intention of the applicant to address the poor night-time lighting at the site.

80. *Spatial Policy* – has raised no objections to the proposal advising that in quantitative terms that the Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (December 2018) identifies that there is a forecast need for the winning and working of an additional 14.7 million tonnes of carboniferous limestone over the period to 2035. The response also advised that Paragraph 11 of the NPPF is triggered and that it is necessary to consider the provisions of paragraph 11d of the NPPF which requires the (1) the application of policies in the framework which protects areas of assets of particular importance to assess whether there is a clear reason for refusing the development and (2) whether any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Amongst other matters, given the location of the proposed site and its extension the response also advises the requirement for an appropriate assessment to be undertaken under the Habitats Regulations, that the proposal is considered to be ‘major development’ within the North Pennines Area of Outstanding Natural Beauty (AONB) and that regard should be had to duty under the CROW Act to have regard to the primary statutory purposes of the AONB designation, and the AONB Management Plan and AONB Planning Guidelines as material considerations.
81. *Environmental Health and Consumer Protection (Nuisance)* – has raised no objections to the proposal but has requested conditions in respect noise, dust and vibration (blasting) limits.
82. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposal stating that the quantitative monitoring of dust levels that is currently carried out is acceptable and should continue. Therefore, the dust control measures in conjunction with the quantitative method of monitoring of dust emissions on site as detailed in the Environmental Scheme should be implemented on site over the duration of the extended surface mineral works on the site, this includes the established Dust Action Plan.
83. *Environmental Health and Consumer Protection (Contaminated land)* – has raised no objections to the proposal and no conditions are required.
84. *Ecology* – has raised no objections to the proposals but note the comments received from the RSPB and AONB Partnership in respect of wading birds and agree that the population is unlikely to be maintained following the completion of extraction. Officers have therefore recommended that the restoration strategy is reconsidered to ensure biodiversity levels on site are maintained. It is also advised that aftercare is extended from 5 years to 25 years.
85. *Landscape* – has raised no objections to the proposals with officers setting out that the site is located within the North Pennines Area of Outstanding Natural Beauty (AONB) and also within the relict Stanhope Park. It is stated that that the proposals would cause some low magnitude, localised harm to the AONB and the topography of the relict park but without impact to any remaining artefacts. Officers consider the visual effects of the development to range between low to medium magnitude depending on proximity with higher impact experienced by users of the diverted Weardale Way. It is considered that impacts to residential properties would be low.

86. *Access and Rights of Way* – has raised no objections to the proposal but has noted that a permanent diversion to Footpath No.44 (Stanhope Parish Rookhope Ward) (Weardale Way) would be required as part of the development. In addition, Footpath 32 (Stanhope Parish, Eastgate Ward) would be affected by some of the proposed restoration works although it should remain open and unobstructed.
87. *Design and Conservation* – has raised no objections to the proposals stating that there would be no harm to heritage assets or to their setting.
88. *Archaeology* – has raised no objections to the development but has requested the imposition of conditions to secure the investigation and recording of any features of archaeological interest as a report submitted with the application identifies features of archaeological interest which would warrant some further investigation and recording.

#### **PUBLIC RESPONSES:**

89. The applications have been advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. 18 representations have been received.
90. *The Wear Rivers Trust* raises concerns that the hydrology of the Park Burn Catchment has been compromised by existing quarrying operations and that the proposed extension would destroy a significant proportion of the Park Burn headwaters, reducing the residual hydrological function and destroying an important wading bird habitat.
91. *Campaign to Protect Rural England (CPRE)* has objected to the proposals on the basis that it is development in the AONB for which a case of exceptional circumstances has not been provided. The site is not (at the time the letter was written) allocated within the County Durham Plan and would breach AONB Planning Guidelines due to its affect on prominent features and may breach the skyline.
92. *The Royal Society for the Protection of Birds (RPSB)* has raised concerns that the proposed development would displace bird populations from the Breeding Wader Assemblage, particularly in relation to Curlew. To offset the loss of existing habitat it is considered appropriate that habitat enhancement should be carried out as part of the site restoration with assessment of the scheme considering whether on-site measures are sufficient to offset the impacts or providing mitigation through offsite mitigation.
93. *Durham Bird Club* has stated that they are taking a neutral position in relation to the application but support the comments made by the RSPB, particularly in relation Curlew. They also note that Black Grouse is recorded in the vicinity of the site and request that the site restoration should support appropriate habitat for this species.
94. 14 letters of support have been received for the development with reasons including local supply of aggregates that reduces haulage costs, employment is retained in Weardale, minimal impact upon landscape, noise, environment, wildlife, public health and highway safety. Supporters raise concerns that there would be a lack of alternative aggregate sources in the area if the proposed extension was not approved. It is also stated that the quarry supports local communities and projects including Weardale Teenage Cancer Trust, Westgate Cancer Research, Weardale Agricultural Show, Eastgate Sheep Show and Country Fair and Wolsingham Show. It should be noted that the majority of supporters are either employees of Aggregate Industries (the applicant) or customers, including civil engineers and hauliers, that use the site.

## APPLICANTS STATEMENT:

### Introduction

95. Heights Quarry provides high quality Carboniferous limestone aggregates and asphalt which are vital to the maintenance and improvement of the highway network and the construction of houses, schools, hospitals and other essential infrastructure.
96. Heights Quarry is a significant source of direct and indirect employment in Weardale. There are 18 employees on site plus 20 haulers, 3 local electricians and there are many other local contractors employed for specific projects and operations such as overburden removal.
97. Heights Quarry contributes approximately £660,000 per annum to the local economy through wages and employment of local contractors and more than £54,000 per annum in business rates. In addition Aggregate Industries frequently supports community events.

*The above represents a summary of the comments received on these applications. The full written text is available for inspection on the application files which can be viewed at:*  
<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDJXBRGDMNK00>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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98. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received. It is considered that the main planning issues in this instance relate to the principal and need for the development, development in the AONB, the effects of the development on residential amenity (including noise, dust and blasting), landscape and visual impact, landscape and visual impact, biodiversity interests, access and traffic, public rights of way, hydrology, cultural heritage, agriculture and soils, cumulative impact, alternatives and legal agreements, other matters, development in the AONB conclusion and planning balance.

### Principle of the development

99. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Minerals Local Plan (MLP) remains a statutory component of the development plan and is the starting point for determining applications as set out at Paragraph 2 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends on the degree of consistency with the NPPF.
100. The MLP was adopted in 2000 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

101. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole.
102. The key policies for the determination of this application are MLP Policies M3 and M22. In addition, there are a number of applicable environmental protection policies.
103. It is considered that Paragraph 11 of the NPPF is engaged in this instance by virtue of the most relevant policies for the determination of this planning application being out of date. These are Policy M3 (Extensions to Mineral Workings) and Policy M22 (Area of Outstanding Natural Beauty). Policy ENV2 of the WVLP is considered still to be in date. Similarly, it is considered that the mineral supply policies of the MLP are out of date, that is Policy M2 (Regional Aggregates Apportionment) of the MLP was not saved and instead the quantitative basis for considering new aggregate planning applications is now provided by the Councils Local Aggregate Assessment i.e. the Joint LAA (December 2018). It is also assumed that the proposed development is major development by virtue of its nature, scale and setting and its potential for significant adverse impacts upon the North Pennines Area of Outstanding Natural Beauty within which it lies.
104. On the basis of above reasoning it is necessary to consider the provisions of Paragraph 11d of the NPPF with key considerations therefore being an assessment of policies in the Framework that protect European protected sites including the SPA and SAC, nearby habitat sites including SSSI's and County Wildlife sites, the North Pennines AONB and any nearby designated heritage assets and other heritage assets of archaeological interest. These details are examined in detail in the relevant sections of the report below.
105. MLP Policy M3 sets out the policy context to consider extensions to existing mineral workings. It advised that extensions would be allowed under the allocations made in Policies M10 (Preferred Areas), M11 (Todhills Brickworks), M55 (Southern Extension to Thrislington Quarry) and M56 (Eastern Extension to Thrislington Quarry) and under the criteria set out in policies M6 (Area of Search for Sand and Gravel), M22 (Area of Outstanding Natural Beauty) and M23 (Areas of High Landscape Value). In addition, the Policy also includes seven specific criteria which it advises that extensions will be permitted provided that they meet.
106. With regard to the criteria in this Policy, whilst providing a useful range of decision making criteria, it is considered that a number of the criteria are now out of date by virtue of their reference to "plan period". The MLP when prepared, looked to 2006. For example, criteria (b) advised, "do not provide for a significant level of reserves beyond the end of the plan period" and criteria (f) advised, "will not, when viewed against

projected needs over the Plan period, add significantly to the total landbank of approved reserves within the County”. In this regard an up to date assessment of current supply and future need is provided by the Council’s Joint Local Aggregate Assessment. Similarly, other criteria within the Policy, i.e. criteria c), “do not have a material impact upon the landscape, ecology and other features of nature conservation importance”, do not reflect up to date guidance in the NPPF or the PPG. For example, Paragraph 170 of the NPPF advises that decisions should minimise impacts to biodiversity, rather than MLP stance of no material impact. Finally, up to date guidance on considering extensions to mineral sites is provided by Planning Practice Guide. In summary Policy M3 is now considered not to be up to date or nor consistent with national guidance and accordingly only very limited weight can be given to this Policy.

107. MLP Policy M22 states that mineral extraction in or adjacent to the North Pennines AONB will not be permitted except in exceptional circumstances and where one of a number of criteria apply including a) there is an overriding national need for the mineral which cannot be met from alternative sites or sources elsewhere, including suitable secondary or recycled materials, and which is sufficient to outweigh the need to conserve the character of the area. It is considered that this Policy is not consistent with the guidance or key tests set out in Paragraph 172 of the NPPF in that it restricts new mineral development unless there is an overriding national need for the mineral or an extension to an existing site, amongst other criteria not relevant to this application. Whilst the Policy is not time limited, it is considered out of date and therefore reduced weight can be given to this Policy.
108. It is important to note that whilst MLP Policies M3 and M22 are out of date it is considered that the proposed development would still accord with them. M22 is a restrictive policy preventing unacceptable development in the AONB unless, inter alia, it is an extension to an existing site. This is supported by the criteria associated with MLP Policy M3. As an extension to an existing site the proposed development would be considered acceptable in principle, subject to consideration of environmental impacts, even if it was concluded that Paragraph 11d of the NPPF was not engaged. The development would, in addition, accord with MLP Policies M1, M12 and M19. The proposal would also accord with Part 17 of the NPPF which requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates as well as giving great weight to the benefits of mineral extraction including to the economy.

#### Need for the development

109. Heights Quarry is a long-established crushed rock quarry which has provided a reliable supply of carboniferous limestone and incidental sandstone for a range of construction related purposes. At the end of 2018 the existing site had mineral reserves of 2.98 million tonnes. The current planning permission requires extraction to cease in 2042 with restoration to follow within 12 months of cessation. This application seeks to laterally extend the quarry by 14ha to the north west into an area known as Hangingwells Common. This would provide an additional 3.7 million tonnes of limestone reserves to give an overall volume of 6.97 million tonnes. It is proposed that extraction would cease in 2046 and the site restored within the following 12 months. This would be an additional 4 years to the current planning permission. Therefore, amongst the relevant issues to consider in the determination of this application is the acceptability of current proposal which would allow for the full extraction of the mineral resource.
110. The key issue in relation to need for the development is set out in the Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (December 2018). The findings of this assessment show that only 9% (11.395 million tonnes) of the permitted reserves of crushed rock in County Durham are located within

the County's four carboniferous limestone sites (Hulands Quarry, Heights Quarry, Broadwood Quarry and Kilmond Wood Quarry). This shows that there is a potential shortfall in permitted reserves of carboniferous limestone and that further provision is necessary in order to maintain the level of supply of this particular resource. The Joint Local Aggregate Assessment recommends that consideration is given to identifying and releasing additional reserves of carboniferous limestone to maintain supply over the long-term where environmentally acceptable. In quantitative terms it calculated that an additional 14.7 million tonnes of carboniferous limestone will be required to be permitted to meet need to 2035.

111. An allocation for an extension to Heights Quarry is included in the 'Pre Submission Draft' CDP. This planning application covers the allocation area. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.
112. MLP Policy M1 (Maintenance of Landbanks) seeks to maintain a number of landbanks throughout the plan period including a 10 year crushed rock aggregate landbank. The current crushed rock landbank equates to 46.6 years on 31 December 2017 (based on Local Aggregate Assessment provision) consisting of 130,744,734 tonnes of crushed rock. Taking into account that 3.27 million tonnes of permitted reserves lie within the existing quarry, the proposed development if granted would provide an addition 3.7 million tonnes of permitted reserves and would increase the crushed rock landbank by 1.3 years (based on the latest Local Aggregate Assessment provision) and if worked over the period to 2046 would make a small but useful contribution to the steady and adequate supply of crushed rock aggregate. In terms of the MLP, the proposed development would not conflict with saved Policy M1. Saved Policy M1 has been assessed as only partially consistent with the NPPF. However, this is only by virtue of some of the other named landbanks in Policy M1 not being consistent with the NPPF. The crushed rock landbank in Policy M1 is consistent with the 10 year crushed rock landbank specified in Paragraph 207 of the NPPF and is not out of date or time limited. In relation to crushed rock full weight can be given to this policy.
113. MLP Policy M19 relating to the concurrent working of minerals is applicable to this application as the site would be working both limestone and sandstone, with up to 50,000 tonnes of sandstone per annum. It is considered that the approach of the Policy is in line with the NPPF which seeks to facilitate the sustainable use of minerals whilst protecting the environment and local amenity, whilst requiring sites are restored. The Policy is considered to be neither time limited or out of date and accordingly full weight can be given to this policy.
- 109 In terms of need there is significant merit in granting planning permission for the current proposal which enables the full recovery of existing permitted reserves within the existing quarry and a lateral extension to it. This would provide for the continued availability of carboniferous limestone to the North East and wider markets, helping to retain/safeguard existing employment at the quarry and through ensuring that the site is restored to a safe and stable condition.
114. Paragraph 205 of the NPPF is clear that local planning authorities should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. LPAs should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards,

through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. An assessment of the relevant environmental impacts of the proposal is set out below.

## Development within the AONB

115. Heights Quarry and the proposed extension are located within the North Pennines AONB. Section 85 of the Countryside and Rights of Way (CROW) Act 2000 requires that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Paragraph 172 of the NPPF and MLP Policy M22 advise that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. Paragraph 172 of the NPPF advises that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Whilst not specifically addressing mineral extraction, the North Pennines Area of Outstanding Natural Beauty Management Plan (2019-24) is also a material consideration in relation to landscape, geology, rivers and heritage. The Management Plan sets out the conservation and enhancement of the natural beauty of the North Pennines, focusing upon landscape, biodiversity, geodiversity and cultural heritage. As this document does not form part of the statutory development plan and therefore less weight may be afforded to it than if it was.
116. Exceptional circumstances are set out in the NPPF. These being: the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other ways; any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.
117. Although the application is major development for the purposes of The Town and Country Planning (Development Management Procedure) (England) Order 2015 what constitutes major development for the purposes of Paragraph 172 of the NPPF is not specifically defined and is left to the discretion of the decision maker. Given the scale, nature and duration of the proposal and its potential impacts, it is considered that the proposal is major development for the purposes of Paragraph 172 and exceptional circumstances and public benefits should be demonstrated.
118. The applicant has considered the impact of development in relation to the AONB in the ES that accompanies the application. The importance of Heights Quarry in terms of its location, supply of aggregates and status as an employer within Weardale have been advocated as exceptional circumstances for the extension and continued operation within the AONB. The applicant has suggested that if the application was refused this would have a significant detrimental impact on the local rural economy in Weardale. With a core of 18 permanent on site staff plus 20 HGV drivers and 12 to 20 occasional and seasonal workers Heights Quarry is an important employer in the locality.
119. The proposal is supported by Part 6 of the NPPF, in that the Government is clear in its commitment to securing economic growth in order to create jobs, prosperity and sustainable economic growth. Paragraph 83 of the NPPF specifically supports sustainable growth and expansion of all business types in rural areas. Furthermore,

local businesses would be positively affected by the proposed development with a continued supply of aggregate products and demand for local maintenance and amenity facilities. Several letters of support have been received from local businesses that rely upon material supplied by Heights Quarry.

## Residential Amenity

120. The nearest residential properties to Heights Quarry are located in the villages of Westgate approximately 1.5km west and Eastgate approximately 1.8km east of the site. The larger settlement of Stanhope is located approximately 6km to the east. The nearest individual properties are Old Park House approximately 580m to the south, Warden Hill and Chester house approximately 770m to the west and Rose Hill approximately 550m to the east.
121. The working hours proposed at the quarry are as existing with mineral extraction operations restricted to 06:00 to 19:00 Monday to Saturday and 07:00 to 12:00 on Sundays. It is proposed that distribution of quarried stone and manufactured materials, use of any pumping equipment, carrying out of essential maintenance and servicing of plant and machinery would remain unrestricted, as per the existing permission.
122. MLP Policy M37 seeks to restrict quarrying activities that are within 250m (500m for blasting) of a group of 10 or more properties, unless it can be demonstrated that the amenity of local communities can otherwise be protected from the adverse impacts of mineral working. However, in the case of the existing Heights quarry and the proposed extension there are no groups of properties within 250m or 500m of the site, therefore there is no conflict with this Policy.
123. The principal effects of working on residential amenity would be in respect to noise, dust and blasting. MLP Policy M36 seeks to protect residential amenity from the effects of mineral development. In the case of Heights Quarry and the proposed extension area there are no properties within close proximity to the site but, as described above, there are 4 within 1km of the site and appropriate mitigation must be employed to ensure that the properties are protected from the environmental impacts of quarrying, as detailed below.

## Noise

124. Noise levels for temporary and normal operations at the site (within permitted levels set out in Government Guidance) are controlled through existing conditions and noise levels are currently monitored by the site operator. These matters would continue to be controlled through condition should planning permission be granted.
125. National Planning Practice Guidance (NPPG) 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, through a planning condition, at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that where this will be difficult to achieve without imposing unreasonable burdens on the mineral operator, 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). During the night limits should be set to reduce to a minimum any adverse impacts, without imposing any unreasonable burdens on the mineral operator, but should not exceed 42dB(A)  $L_{Aeq}1h$  (free field) at noise sensitive properties.

126. NPPG 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, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. NPPG advice is that increased temporary daytime noise limits of up to 70dB(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 higher limit for a very limited period may be appropriate in order to attain the environmental benefits.
127. Within the Environmental Statement (ES) submitted with the application is an Environmental Scheme which includes background information, a noise monitoring protocol, suppression measures and proposed permissible levels. The Environmental Scheme also covers dust and blasting management. Due to the remote location of the site the applicant has not provided existing or predicted noise levels and would only carry out monitoring in the event of a complaint. Notwithstanding this, the applicant has proposed working noise levels as set out below.
128. For normal operations the application proposes a noise limit at the sensitive receptors of 55dB for 0700-1900 Monday to Friday, 0700 to 1600 Saturday and 0700 to 1200 Sunday. A limit of 42dB is proposed for all other times. A level of 70dB is proposed for temporary (short term) operations for up to 8 weeks per year. These levels would accord with guidance set out in the NPPG and would be secured by planning condition. In addition noise suppression measures would be employed at the site. These would include regular maintenance to ensure noise attenuation remains effective, only using broadband reversing alarms on plant and suitable silencing on diesel powered plant. It is therefore considered that the proposed scheme would accord with MLP Policies M36 and M50 (considered consistent with the NPPF and therefore afforded appropriate weight) and Paragraph 205 of the NPPF.

#### *Air Quality and dust*

129. Mineral sites give rise to dust issues and it is accepted that the generation of dust can only be minimised and controlled rather than eradicated. The impact would depend on wind speed, the degree of rainfall and surface topography. The NPPG sets out five stages for carrying out a dust assessment that would provide useful ways of mitigating dust from mineral development. These are to establish baseline conditions, identify activities that could lead to dust emissions and identify site parameters that may increase potential impacts.
130. Receptors can potentially be affected by dust up to 1km from the source, although any dust emissions are more likely to be deposited much closer to the dust sources, generally within 100m, depending on the size characteristics of the dust particles and in the absence of appropriate mitigation. The impact would depend on nature of activity taking place, wind direction and speed, particle size distribution, the degree of rainfall and surface topography.
131. An air quality and dust assessment has been carried out as part of the scheme and submitted in support of the application, the results of which are included in the ES. The assessment has identified baseline conditions including potentially sensitive receptors, existing dust sources, typical dust levels, topography of the site and meteorological conditions. The assessment has also considered the potential impacts

including soil stripping, drilling and blasting, mineral extraction, on site haulage, crushing and screening, erosion from bare ground and stockpiles and loading and off site haulage; evaluation of the impacts on upon the nearest receptors, and mitigation proposals.

132. A Department of Health and Department of the Environment, Transport and the Regions research study: The Impact of Particulate Matter from Opencast Coal Sites on Public Health, was published in December 1999. NPPG reflects the good practice recommendations made in the report. The key assessment criteria are the proximity of residential communities to a site and background levels of small particles (PM10) in relation to the National Air Quality Standard. The Institute of Air Quality Management (IAQM) has published detailed guidance for the assessment of dust and fine particulate matter impacts from mineral sites. The guidance sets out steps for assessing fine particulate matter impact with step 1 being a screening assessment. The screening assessment states a detailed assessment is only required in situations where the background PM10 concentration exceeds 17 µg/m<sup>3</sup>.
133. Environment, Health & Consumer Protection officers have considered the submitted assessment, proposed dust control measures and have raised no objections, subject to the dust management plan being reviewed periodically. Conditions are proposed to ensure that mitigation measures are in place and regular monitoring carried out. It is therefore considered that the proposed extension and associated variation of conditions application would accord with MLP Policies M36 and M50 with Parts 15 and 17 of the NPPF. MLP Policies M36 and M50 are both considered to be consistent with the NPPF and can be afforded full weight in the decision making process.

#### Blasting

134. Blasting is currently carried out at Heights Quarry to fracture rock for further processing and production of saleable aggregates. Blasts take place at the site approximately once per month, or less (11 in the past 12 months). The site is currently unrestricted in respect of vibration and air overpressure levels. The timing of blasts, minimisation of the effects of air overpressure and restrictions on secondary blasting are the only limitations of the current permission. Through this application it is proposed to limit times for blasting to 1000 – 1700 Monday to Friday with no blasting at any other time. It is also proposed that all groundborne vibration as a result of production blasting operations shall not exceed a peak particle velocity of 10mm/s (expressed at 95% confidence) and never exceed a maximum peak particle velocity of 12mm/s at any occupied building outside of the site boundary.
135. The three effects associated with blasting are ground vibration, air overpressure (or air blast wave) and projected rock particles (flyrock). The extent of disturbance is dependant on a number of factors including type and quantity of explosive, degree of confinement, distance to nearest buildings, the geology and topography of the site and atmospheric conditions.
136. Environment, Health & Consumer Protection officers have raised no objections to the proposed scheme. Although there are a number of public rights of way within the vicinity of the site, and residential properties further distant, amenity would be protected through conditions that set limits and requirements to mitigate any adverse effects. New conditions and approval of the Environmental Scheme would provide improved control over amenity impact. It is therefore considered that there would not be an unacceptable amenity impact on users of the public footpath or residents and that the proposal would comply with MLP Policy M36 and Parts 15 and 17 of the NPPF.

## Residential amenity summary in relation to noise, dust and blasting

137. There is potential for some limited disturbance to the residents of neighbouring properties and to users of the local footpath network during mineral extraction and restoration works. However, having assessed the impact of the proposed development on residential amenity in terms of noise, dust and blasting it is considered that the potential impacts can be controlled through conditions setting limits and requirements to mitigate any adverse effects. Hours of operation would be maintained as per the existing permission which has proved, through the absence of complaints, to be acceptable. The proposed extension would therefore accord with MLP Policy M36 and with Parts 15 and 17 of the NPPF and advice contained within the NPPG.
138. Mineral processing and storage would occur as part of the proposed development within the quarry void. The environmental impacts would be controlled through condition. The proposals would not conflict with MLP Policies M50 and M51, Policies which are considered to be consistent with the NPPF.

## Landscape and visual impact

139. The site lies within the North Pennines AONB and is within the relict medieval deer park of Stanhope Park. The site is part of the North Pennines County Character Area which forms part of the larger North Pennines National Character Area (NCA 10). It lies in the Weardale Moorland Fringe Broad Character Area which belongs to the Moorland Fringe Broad Landscape Type. The proposed extension area is crossed by a single wire fence and forms part of a larger enclosure bounded by wire fences. It lies on the northern flanks of Weardale in the shallow valley of the Park Burn and is crossed by a shallow syke following a largely natural course. It is bounded to the west by the Park Burn and to the south-east by the existing workings of Heights Quarry.
140. The site and proposed extension are widely visible in long distance views from higher ground across the dale in the south including views from some minor roads, footpaths and access land. Features of the existing quarry figure in these views. The extension area is visible in some of these wider views, and in middle distance views from the C78 south of Crook's Altar and access land to the north on Northgate Fell and to the west on Carr Brow Moor. The extension area is visible in close views from the Weardale Way which crosses it. It is otherwise visually contained in views to the north, east and west by encircling higher ground. It is not generally visible from the dale side or the dale floor, or from within the valleys of the Rookhope and Middlehope burns.
141. The proposed extension area has a relatively simple landform. It is crossed by a minor natural watercourse. It contains no other mature features that would be vulnerable to development impacts. It forms part of a wider landscape which is visually very open with a strongly rural character, but where mineral operations have long been part of that character, and lies immediately adjacent to a working quarry.
142. The open agricultural character of the site would be radically altered during site operations and following restoration. Impacts would be analogous to the character of operations in the existing quarry to the east. On restoration there would remain a substantial adverse residual effect on the character of the landscape of the site itself.
143. Effects on the character of the local landscape (within around 1km) would be generally of a low to medium magnitude, locally higher closer to the site. In views from the west and north the localised cropping of the landform would be evident and a greater area of overburden storage would be visible in the eastern and western tips. The working method has been designed to maximise the early 'greening up' of areas of overburden visible in these middle-distance views which will reduce those effects to some degree.

On restoration there would be likely to be a low-moderate adverse residual effect on the character of the immediate local landscape.

144. The effect on landscape character at a wider level would be low. The site is visible largely in distant views from the opposing flanks of the dale, from where it would read as an incremental increase in the visible faces of the existing quarry, partially concealed in many views by the intervening western tip. The proposals provide for early restoration of the western tip in Phase 1B which would reduce the effects of the existing feature in these wider views. On restoration there would be likely to be a negligible to low adverse residual effect on the character of the wider landscape.
145. There would be some harm to the special qualities of the AONB. This would be limited in its magnitude and localised in its effect. In addition, the proposals wouldn't affect any obvious artefacts (field boundaries etc.) of the historic deer park although there would be likely to be some localised harm to its significance in respect of the erosion of its natural topography.
146. There would be some visual effects of a medium magnitude in views from the nearby section of the C78 road and access land on Northgate Fell during the operational period which would fall progressively to a low or low-medium magnitude in the years following restoration. There would be some effects of a higher magnitude during the operational period in views from the adjacent section of the Weardale Way which would need to be diverted permanently around the site and would have direct views into the void and areas of overburden storage. Effects would progressively reduce to some degree in the years following restoration but would remain of a fairly high order given the direct nature of the views into the void. The visual effects of works associated with the proposed extension on nearby residential properties would be low.
147. In considering the landscape impact of the development great weight must be attributed to conserving and enhancing the landscape and scenic beauty of the AONB. Impacts to this designated landscape would be localised and of low magnitude with the site appearing characteristically similar to the remaining length of the Weardale valley.
148. The eastern half of the quarry would all be returned to grazing land and calcareous grassland. The north western area of the quarry including the proposed extension area would be left as quarry floor with bare rock exposures. Other areas would be subject to scrub planting, biodiversity enhancement and bare rock exposures. The key objectives of the proposed restoration scheme are to utilise and create, through quarrying, safe benches and faces for habitat creation and assimilation into the wider landscape setting. It also seeks to establish a connected calcareous grassland land cover on the western periphery and internal to the site and to maintain and enhance grazing land to strengthen the patchwork nature of the restoration scheme elements and features to help integrate the site into its local landscape character and to provide on-site management for the whole site
149. The proposals, including restoration, would accord with MLP Policies M24, M36, M46, M47 and M52 and Parts 15 and 17 of the NPPF. MLP Policies M24, M36, M46 and M47 being consistent with the NPPF and can carry full weight in the decision making process. MLP Policy M52 is partially consistent with the NPPF because it states that restoration and aftercare should be secured through the application of appropriate conditions and where necessary that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

## Biodiversity interests

150. Three Sites of Special Scientific Interest (SSSI) and three Local Wildlife Sites (LWS) are present in the vicinity of the quarry although all are at least 1km from the proposed extension as stated above. The North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) are located approximately 2.2km to the east.
151. The presence of protected species under the Wildlife and Countryside Act 1981 and under the Conservation of Habitats and Species Regulations 2017 (as amended) is a material planning consideration. The Habitats Directive which is implemented by the 2017 Regulations prohibits the deterioration, destruction or disturbance of breeding sites or resting places of any European protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications for works affecting European Protected Species but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which is likely to result in a disturbance to a European Protected Species to apply the three derogation tests contained in the Regulations in order to come to a view on whether a licence may be granted.
152. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. MLP Policy M29 requires the incorporation of measures to ensure any adverse impact on nature conservation interest is minimised but also requires that regard is given to opportunities for the creation of new areas of conservation interest as well as the need to conserve local features of nature conservation value. WVLP Policy ENV10 advises that development affecting the conservation value of SSSI's will only be permitted if the development is of overriding national importance so as to outweigh the special interest of the site, and the development cannot be located elsewhere.
153. A Preliminary Ecological Assessment (incorporating Phase 1 Habitat Survey), riparian mammal survey, breeding wader survey and wintering bird survey has been submitted with the submitted ES accompanying the application. The assessment sets out the relevant policy and legislation in relation to protected species; a desk based assessment, Extended Phase 1 habitat and protected species assessment. Baseline data is provided in respect of the site ecological context, habitats in the study area and species groups. The assessment concludes that the proposed development could impact on approximately 20ha of breeding habitat used by wading birds, including qualifying species of the North Pennine Moors SPA but also notes that there are no designated sites of statutory and non-statutory nature conservation interest within the proposed extension area and no direct or indirect impacts are expected on the other statutory sites and non-statutory sites of nature conservation interest within 2km of the site. No impacts on hydrology are anticipated or habitats dependent on current hydrological conditions, although it is stated that without mitigation there is the potential for pollutants to enter the Park Burn. The ES also sets out that noise, dust and blasting associated with the proposals, due to the distance from the SPA, would not impact on the qualifying features of the SPA.
154. The assessment recommends, as mitigation, that a 50m riparian buffer is maintained between the proposed extraction site and Park Burn, potential pollutants to be stored in accordance with Environment Agency guidance, surface water runoff to be managed as per the existing quarry with no mineral working within close proximity of the Park Burn. This is incorporated into the working of the quarry.
155. The RSPB and Wear Rivers Trust have raised concerns that the proposed development would displace bird populations from the Breeding Wader Assemblage, particularly in relation to Curlew. The RSPB has advised that to offset the loss of

existing habitat it would be appropriate for habitat enhancement to be carried out as part of the site restoration with assessment of the scheme considering whether on-site measures are sufficient to offset the impacts or providing mitigation through offsite mitigation. They also noted that the proposed aftercare scheme provides for a 5 year period of the management of the Heights Quarry following the completion of quarrying and commented that they consider that quarries that are restored with a biodiversity after-use should be maintained in perpetuity. Durham Bird Club support the comments made by the RSPB in respect of bird protection, particularly in relation Curlew. They also note that Black Grouse is recorded in the vicinity of the site and request that the site restoration should support appropriate habitat for this species.

156. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017 (as amended). The purpose of the Appropriate Assessment would be to determine whether the current proposals would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated. This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted by the applicant.
157. By way of a screening exercise Ecology officers and Natural England have considered the proposed scheme and raise no objections. Natural England has stated that proposed development would not have likely significant effects on the North Pennine Moors SPA noting that a Habitat Regulations Assessment (HRA) has been produced which concludes that the development would have no adverse effect on the integrity of the SPA. Natural England has also advised that the proposed development would not damage or destroy the interest features for which the Muggleswick, Stanhope and Blanchland Common SSSI has been notified.
158. The restoration scheme would bring biodiversity benefits through habitat creation and enhancement with opportunities for future review as the site progresses. Within the restored quarry there would be areas of pasture, conservation meadow, marshland, exposed rock, scrubland and tree planting, agricultural fields, areas of Calcareous grassland shale left to regenerate naturally. In order to ensure that the final faces are capable of supporting biodiversity potential it is recommended that a condition be imposed requiring the submission of final restoration details prior to commencement of works within Phase 3. It is therefore considered that the proposal would accord with MLP Policies M27, M29, WVLP Policy ENV10 and Parts 15 and 17 of the NPPF. Policies M27 and M29 and WVLP Policy ENV10 are considered to be consistent with the NPPF and can therefore be afforded appropriate weight.
159. MLP Policies M46 and M47 relate to the restoration and after use of the site. These Policies are pertinent as the proposed development would provide a process by which Heights Quarry is restored and managed. The applicant proposes a 5 year aftercare period in accordance with Schedule 5 of the Town and Country Planning Act 1990. Whilst the RPSB have suggested management of the restored site in perpetuity this is not considered necessary as 5 years should be adequate to ensure the restored areas develop as intended. The location of the site within the AONB would provide future protection from development pressure, maintaining the restored landscape and features. The proposal is considered to be compliant with both policies. Policies M46 and M47 are consistent with the NPPF and can carry full weight in the decision making process.

## Access and traffic

160. Access to the site would continue to be via the existing site access track from the A689. This access would continue to be used. A Transport Assessment (TA) has been submitted as part of the ES in support of the application. The assessment sets out that the average annual extraction rate from the past 5 years is approximately 250,000 tonnes per annum. Current and predicated daily HGV movements for the remaining life of the site are approximately 160 per day (80 in and 80 out). The TA concludes that the proposals would have a negligible impact and no adverse material impact on highway safety.
161. Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Traffic generated by the proposal could be accommodated safely and conveniently on the highway network with the impact of traffic generated by the development on local and recreational amenity would be acceptable. Although Highways officers advise that it may be prudent to condition maximum daily HGV movements. Discussions have taken place with Highways officers and on balance it is considered a limit on vehicle movements is not required, therefore a condition to this effect is not proposed. Planning conditions requiring the maintenance of internal haul roads being kept in suitable condition to prevent mud being deposited on the public highway, identification of access track and sheeting of HGV's are already in place and would be imposed should planning permission be granted for the current application.
162. MLP Policy M40 seeks to encourage the use of rail transport for minerals where feasible. There is a rail connection at the nearby former Eastgate Cement Works, although there is no infrastructure currently in place to facilitate rail loading. Whilst the use of rail may be possible it is not necessarily viable at present and would still require road lorries for at least a portion of the journey. It is therefore not a requirement that the operator use rail haulage but this would not prevent the operator from pursuing rail transport in the future should it become feasible.
163. The proposed extension and variation to the existing quarry would accord with MLP Policies M36, M42 and M43 and would not conflict with M40. MLP Policies M40 and M42 are considered to be consistent with the NPPF and can therefore be afforded appropriate weight. MLP Policy M43 is partially consistent with the NPPF and is therefore afforded reduced weight. Whilst the Policy is consistent with the general principles of NPPF and NPPG, the matter of planning obligations needs to align with the related legislation. The terminology used in the Policy 'insofar as they fairly and reasonably relate to the proposed development' does not fully reflect section 122 of the CIL Regulations. There are no legal agreements or other obligations proposed for this site in relation to highways in this case. The proposals are also considered to accord with Part 4 of the NPPF.

## Public Rights of Way

164. There are several Public Rights of Way within the vicinity of Heights Quarry. Footpath No.44 (Stanhope Parish Rookhope Ward) is located to the north of the site joining with Footpath No. 32 (Stanhope Parish Westgate Ward) to the east and footpath No.17 to the west. Footpath 32 also runs to the south of the site (partially within the site boundary) and joins Footpath No.20 (Stanhope Parish Westgate Ward) to the south west. Footpath 32 would be affected by some of the restoration works although it should remain open and unobstructed throughout the life of the site.
165. The proposed north west extension to the site would require the permanent diversion of Footpath No.44, with a revised route likely circling the quarry further to the north.

This would not occur until the later stages of the quarry development. There would be no greater impact to the other footpaths during the working of the site, although there may be some degree of change during, and following restoration.

166. Access and Rights of Way officers have raised no objections to the proposals but have confirmed that Footpath No. 44 would require permanently diverting under Section 257 of The Town and Country Planning Act 1990, in order to allow the development to take place. Officers have requested that this be secured by condition but this is not necessary given that it is subject to separate legislation and therefore an informative would suffice. The proposed diversion would not significantly increase the length of the route or damage the value of the route. It is therefore considered that the development would not have an unacceptable impact upon the recreational value of the countryside. The proposals would therefore accord with MLP Policy M35 and would not be contrary to Part 15 of the NPPF. MLP Policy M35 is considered to be consistent with the NPPF and can carry full weight in the decision making process.

## Hydrology

167. The site is not within the vicinity of any controlled watercourses, or within Flood Risk Zones 2 or 3. There is a watercourse to the west of the site, the Park Burn, and the River Wear flows through the valley approximately 900m to the south of the site.
168. A hydrological and hydrogeological assessment has been submitted as part of the ES in support of the application. The assessment considers baseline data and the potential effects on groundwater and surface water arising from the proposed extension. The report explains that the current site and proposed extension are above the watertable present within the bedrock beneath the Great Limestone at around 370m AOD (a lower watertable is noted beneath the current quarry void at around 357m AOD). However, the westernmost borehole exhibits a higher groundwater level at 384m AOD, although the watertable at this location remains significantly lower than the adjacent section of the Park Burn. Should groundwater ingress into the extension area be experienced, its removal by on-site drainage or pumping may be required – the latter method requiring application to the Environment Agency for a Transfer Licence (if the rate of abstraction exceeds 20 m<sup>3</sup>/day). Groundwater is currently abstracted at the site under an Environment Agency Licence for dust suppression purposes. The assessment concludes that the proposed development would not detrimentally impact upon ground or surface water quality and would not increase flood risk. Additionally, it is considered that no private water supplies would be harmed by the proposed development.
169. The Environment Agency has stated that the submitted Hydrogeological Risk Assessment (HRA) as part of the ES accompanying the planning application states that no active dewatering of the site with only small seepages in to the quarry expected. The HRA has made its conclusions assuming a maximum base of excavation of 384m AOD for Phase 2 and 380m AOD for Phase 3 however this contradicts the Environmental Statement which states depths of 379 and 378m AOD respectively. Groundwater level data for boreholes drilled around the quarry perimeter show that groundwater lies below the proposed base of excavations apart from at BH 2015-05 which lies along the western boundary of Phase 3. A review of the data provided suggests that the higher water table may be due to local mounding as a result of stream leakage and is not representative of the water table in the wider area. Groundwater levels provided suggest groundwater flow to the north and east of the site. No dewatering is proposed or considered required at any phase of operations. It is recommended that groundwater level monitoring is continued at all existing boreholes throughout each phase of works. Recent data for BH6 was not provided in

the report, given its location at the north-west extent of the site, next to the Park Burn, it is of particular importance that monitoring is recommenced.

170. In their objection to the proposal the Wear Rivers Trust raised concerns that the hydrology of the Park Burn Catchment has been compromised by existing quarrying operations and that the proposed extension would destroy a significant proportion of the Park Burn headwaters, reducing the residual hydrological function and destroying an important wading bird habitat. The submitted hydrological and hydrogeological assessment disputes these claims, stating that the stream channels contributing to the Park Burn within the proposed extension area were found to be 'virtually dry' during inspection. Surface water uphill of the proposed extension area would be diverted to enter the Park Burn at higher elevation, thereby further reducing impact.
171. In conclusion, the Environment Agency has considered the proposal and has not raised any objections but requests a condition be imposed restricting active dewatering of the quarry. Drainage and Coastal Protection officers have raised no objections to the proposal and Northumbrian Water have also raised no issues. It is therefore considered that the proposal would accord with MLP Policy M38 and Parts 14 and 15 of the NPPF. MLP Policy M38 is considered to be consistent with the NPPF and can therefore and can carry full weight in the decision making process.

### Cultural Heritage

172. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
173. Within 1km of the application site there are 8 Grade II listed buildings, the Field Barn and Wall at junction of Heights Quarry Road 600m to the south, Milepost about 120m East of Park House Farmhouse 770m to the south, Barn and Byre North of Old Park Farmhouse 590m to the south, Old Park Farmhouse with Cottage and Byre Attached 590m to the south, Barn and Stable Range to the East Park House Farmhouse, Outbuilding to South of Park House Farmhouse, New Park and Cottage Adjoining all 750m to the south and Warden Hill Farmhouse 800m to the south west. A total of five Scheduled Monuments are situated within the 2km Study Area, with a Scheduled Romano-British enclosure north-west of Old Park House 250m to the south and Cambokeels Medieval Site 700m to the south the only Scheduled Monuments situated within 1km of the Site. Westgate Conservation Area is located approximately 1.3km to the south west of the site. There are undesignated heritage assets in the form of the former Heights Mine to the immediate west of the site and possible occurrences of prehistoric, Romano-British and medieval archaeological remains. The site is also within the relict medieval Stanhope deer park.
174. The supporting ES addresses the impact on the cultural heritage with specific reference to designated and non-designated assets and is based on a sound methodology following acknowledged guidance. The assessment has confirmed that the proposed development would not have any construction or operational impacts on the designated heritage assets within or close to the Study Area but advises that that

within the proposed extension area there is the potential for unidentified subsurface archaeological remains of later prehistoric to Romano-British occupation and the survival of remains associated with the Heights Mine. The assessment states that due to the distance and intervening topography there is no intervisibility with Westgate Conservation Area and the proposed site does not contribute to the setting of the Conservation Area. The assessment reaches the same conclusion with regard to listed buildings noting that there are none with intervisibility and with no part of the proposed site contributing to the setting of any listed buildings. The assessment does, however, recommend further archaeological work be carried out to investigate any potential assets.

175. Archaeology officers have raised no objections to the proposed development subject to conditions requiring the submission of a written scheme of investigation and subsequent archaeological works being carried out. As the development would not enter the extension area until Phase 2 of the proposed working scheme it is recommended that the written scheme of investigation be required prior to commencement of this phase. This would be secured through condition.
176. It is considered that there would be no harm to designated heritage assets given the proposed development is not within the setting of a designated heritage asset and it does not affect the significance of any heritage assets given the distance from the application site and intervening topography, planting and built development.
177. Paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In this case there would be topographical changes to the relict medieval Stanhope Deer Park through the quarrying operation, although no impact to notable features (walls), and loss of the former Heights mine which is located within the proposed extension area. The changes to the medieval deer park would have very limited impact due to the Park already being heavily compromised from development including the existing Heights and Eastgate quarries, former Eastgate cement works, Cambokeels mine, A689 road, houses and other buildings. Although Heights mine would be lost through the development it too has already been compromised through the demolition of the access. The integrity of the remaining mine is unknown and it may be the case that the historic workings have already collapsed. Through assessment and mitigation, any potential remains in the mine would be recorded, which would not otherwise be practical. In conclusion it is considered that the non-designated heritage assets affected by the proposals have limited significance and the harm would not be sufficient to outweigh the benefits of mineral extraction in terms of aggregate supply, maintenance of employment and biodiversity enhancement through restoration. It is therefore considered that the proposal would not conflict with Paragraph 197 of the NPPF.
178. Design and Conservation officers consider that there are no grounds to object to the proposed development and that there would be no direct harm to any heritage assets or their setting. It is therefore considered the proposals would not conflict with MLP Policies M30, M31, M32 and M33 and would not conflict with Part 16 of the NPPF. MLP Policies M30, M31, M32 and M33 are considered to be consistent with the NPPF and can therefore be afforded appropriate weight.

#### Agriculture and Soils

179. A soils and agriculture assessment has been provided as part of the ES submitted with the application. The assessment provides baseline data in relation to field units, soil characteristics, drainage and agricultural land classification (ALC). The ALC for the proposed extension is recorded as being Grade 4 over an area of approximately 14ha,

which is currently used for grazing. The recovered soils would be put into storage in the existing quarry and used in the restoration of the site with higher quality soils used to recreate agricultural fields on the quarry floor. Whilst there would be a loss of some agricultural land this would be low value grazing land, which would be partly returned through the progressive restoration of the site.

180. The relatively slow working nature of aggregate quarries would mean that land not part of the current working area would remain available for grazing until required and there would therefore be a gradual rather than immediate loss of this resource. Should planning permission be granted then conditions would ensure soils are not damaged during handling and storage. The proposal would not conflict with MLP Policy M34 or Parts 15 and 17 of the NPPF given there would not be a loss of any best and most versatile agricultural land. MLP Policy M34 is considered partially consistent with the NPPF as it departs from the NPPF by virtue of referring to loss of 20ha or more of the best and most versatile agricultural land.

#### Cumulative Impact

181. Paragraph 205 of the NPPF and the NPPG recognise that some areas may have been subject to successive mineral development over a number of years. It is recommended that when determining planning applications, local planning authorities should take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality. It is stated that the cumulative impact of mineral development is capable of being a material consideration when determining individual planning applications.
182. The cumulative impacts of multiple quarries working in close proximity primarily relate to the landscape character and visual amenity of the area and also the combined impacts of noise, dust, ground vibrations from blasting, hydrology and traffic movements. The ES contains a Cumulative Impact assessment that considers landscape and visual amenity, ecology, soils and agriculture, water resources, cultural heritage, noise, vibration, air quality, traffic, recreation and amenity, natural heritage, people and property. The assessment concludes that no significant adverse cumulative effects have been identified and no additional mitigation, beyond that identified in the technical chapters of this ES, is proposed.
183. The cumulative impact of multiple quarries working above the principal and minor aquifers is a key consideration and is carefully regulated and monitored by the Environment Agency. The continued working of Heights Quarry and the proposed extension would not result in increased pressure on water resources and there no other developments in the closer vicinity of the quarry that could contribute to an accumulation of hydrological or hydrogeological impacts on known receptors.
184. The impacts of noise and dust have been considered in relation to the surrounding area and other workings and it is considered that there is adequate mitigation proposed, as detailed above, and conditions would be imposed to set maximum levels that would need to be adhered to. The frequency of blasting at Heights Quarry would not be changed by the extension of time and extension to the site and would be designed to ensure that ground vibrations are below the threshold level of 10mm/sec with a 95% degree of confidence and always within 12mm/sec. Traffic movements are also not forecast to increase.
185. The combined effects of working any large-scale excavation may in itself also have some cumulative impacts on environmental and living conditions and the perceptions of those within the vicinity of the area. Whilst these have some weight, sufficient information has been provided in this instance and considered in this report, to show

that the effects can be effectively mitigated and would not raise material conflict with MLP Policy M45 which relates to the consideration and acceptability of cumulative effects.

186. It is therefore considered that although the cumulative impacts of landscape, noise, dust, blasting and traffic are of some significance they do not constitute a degree of harm that would substantiate a refusal under the criteria set out in any of the relevant policies from the MLP. It is therefore considered that the proposal would accord with MLP Policy M45 and Parts 15 and 17 of the NPPF. MLP Policy M45 is considered to be consistent with the NPPF.

#### Alternatives

187. Alternatives to the current application have been considered. These being to do nothing, use alternatives to primary aggregates (recycled and secondary aggregates), alternative limestone sources within County Durham, alternative methods of working, alternative means of transport and alternative restoration options. The option to do nothing would result in reserves not being worked and the closure of Heights Quarry at a much sooner date than anticipated as viable reserves would run out. The option to use alternatives to primary aggregates is already being exploited at Heights through recycling of road base and road planings but this cannot deliver a high quality material or a consistent supply. The option to find an alternative site would present significant delays to allow for search, design, planning application and setup before mineral extraction could occur and the restoration requirement for the site would still remain. The applicant has advocated the continuation of working at Heights Quarry as being environmentally preferable to opening a new quarry. Reopening an existing site has been considered but there is limited availability of such sites. The proposal to apply for a lateral extension to the existing site has been presented as the best available option.
188. Aggregate quarries operate by stripping soils and blasting rock to advance the working face in either a single or multiple benches. The only variation in working method is the direction of working, however, as the existing is progressively working from east to west towards the proposed extension area the only viable option is to continue extracting material in a westerly direction. There are no other realistic alternatives to this method of working. Material is currently exported from the quarry by road and although the site originally had rail connections these have long since been removed. There is an option to connect to the Weardale Railway Line but this has been discounted as the quarry supplies to locations that are not rail. In addition, there is not a navigable waterway or available wharf to use this as an alternative. It is therefore concluded that road is the only viable option for transport of material from the site.
189. Alternative restoration options for the site have been considered but the proposed restoration would deliver a balance of agriculture, habitat creation and future management following the cessation of quarrying operations at the site.

#### Legal Agreements

190. The site is not currently subject to any legal agreements or financial guarantees. NPPG provides guidance on financial guarantees and considers that a financial guarantee to cover restoration and aftercare costs would normally only be justified in exceptional cases. These being very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry; where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development; and where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to

justify refusal of permission. NPPG advises that mineral planning authorities should address any concerns about the funding of site restoration principally through appropriately worded planning conditions.

191. The application is for an extension to an existing quarry with the entire site being restored to a low level restoration using material stored around the periphery of the existing site. A restoration masterplan has been submitted as part of this application, however, through condition, updated details of the restoration works would be required along with timescales for implementation at a later stage in the development of the quarry. The NPPG advises where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund, it should not be necessary for a minerals planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances. The applicant is a member of the Mineral Products Association and a member of the Mineral Products Association Restoration Guarantee Fund.
192. In accordance with MLP Policy M52 the ability and commitment of the intended operator to operate and reclaim the site in accordance with the agreed scheme have been taken into account. Given advice in the NPPF it is considered that a financial guarantee is not necessary on this occasion. MLP Policy M52 is considered to be partially consistent with the NPPF as it is emphasised within the NPPF that financial guarantees should only be sought in exceptional circumstances.

#### Other Matters

193. The North Pennines AONB is designated as a UNESCO Global Geopark, of which there are currently 147 spread across 41 countries. The designation has no legal standing but should be protected by local, regional or national legislation as appropriate. The fundamental features of the designation are geological heritage of international value, management of the area, visibility through geotourism and networking through communication and cooperation with the local community. The continued operation and proposed extension of Heights Quarry would expand upon the existing geological interest of the AONB and, with the installation of viewing area, would significantly improve geotourism. The proposed development would therefore have a positive impact on the UNESCO Global Geopark designation.
194. To enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral resources and the determination of future planning applications a condition which would require the annual submission of details of permitted reserves and sales until workable reserves are exhausted from both the existing quarry and extension area is required, should planning permission be granted.

#### Development in the AONB conclusion

195. Paragraph 172 of the NPPF advises that planning permission should be refused for major development in the AONB unless there are exceptional circumstances and where it can be demonstrated that the development is in the public interest. There are three criteria set out in Paragraph 172 to assist the consideration of applications, these are:
  - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

196. Heights Quarry is a significant rural area employer with the proposal maintaining employment of 38 people at the quarry, this being 18 employed on site and 20 HGV drivers. Up to 12 additional people are employed during earth moving operations with potentially an additional 8 seasonal workers. Refusing this application would not have an immediate impact, as there are still some reserves in the quarry, but these jobs would inevitably be lost in the coming years. Permitting this application would provide stable employment at the site for the next 27 years (the restoration year would require fewer staff). Maintaining employment at the site would have significant benefits for the local economy.
197. As set out earlier in this report, the existing site and proposed extension would provide an important source of carboniferous limestone which would meet a regional need for this material.
198. Minerals can only be worked where they occur and in the case of Heights Quarry an existing quarry is extracting carboniferous limestone from within the AONB and proposes to extract additional reserves of the same value from adjacent land that is also within the AONB. The AONB covers a large area where carboniferous limestone resources are found rendering it difficult to extract this mineral from outside of the designation. Whilst there are other quarries within the region that produce carboniferous limestone their output without Heights would not be sufficient to deliver an adequate supply. In addition, the alternative sites (Kilmondwood, Hulands and Force Garth) are geographically suited to delivering material to the south of the County and Teesside, whereas Heights is better connected to the north and west of the County, thereby limiting transport distances.
199. The impact upon the environment, the landscape and recreational opportunities and the extent to which that could be moderated are considered within this report. It is considered that the proposal would not have a detrimental effect on the environment and the impact upon the AONB would not be unacceptable with only localised landscape harm predicted for the duration of the works. Following cessation of quarrying works the site would be restored to a mixture of conservation, biodiversity and agricultural grazing in keeping with the surrounding land. There would be some impact to public rights of way through the permanent diversion of a path but the recreational value of the area would be improved through the introduction of a viewing platform to support the UNESCO Global Geopark. All public rights of way connections would be maintained during quarrying operations.
200. It is considered that continued supply of carboniferous limestone and maintenance of employment in local area are exceptional circumstances providing public benefit sufficient to outweigh the presumption of refusing major development in the AONB. The AONB Partnership have raised no objections to the principle of the development and, for the reasons above, it is concluded that the proposals would not lead to a detrimental impact to the value of the AONB.

#### Other Matters

201. The North Pennines AONB is designated as a UNESCO Global Geopark, of which there are currently 147 spread across 41 countries. The designation has no legal standing but should be protected by local, regional or national legislation as appropriate. The fundamental features of the designation are geological heritage of international value, management of the area, visibility through geotourism and networking through communication and cooperation with the local community. The

continued operation and proposed extension of Heights Quarry would expand upon the existing geological interest of the AONB and, with the installation of viewing area, would significantly improve geotourism. The proposed development would therefore have a positive impact on the UNESCO Global Geopark designation.

202. To enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral resources and the determination of future planning applications a condition which would require the annual submission of details of permitted reserves and sales until workable reserves are exhausted from both the existing quarry and extension area is required, should planning permission be granted.

#### Planning Balance

203. This proposal is a major development in the North Pennines AONB and is contrary to MLP Policies M3 and M22. However, as a result of relevant policies being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 11d of the NPPF. There are no specific policies within the NPPF that protect areas or assets of particular importance which provide a clear reason for refusing the development and therefore planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.

#### *Benefits*

204. The development would provide a continued supply of carboniferous limestone crushed rock along with an incidental supply of sandstone from an existing site as well as ensuring the remaining permitted reserves within the quarry are extracted. Continued operations at Heights Quarry would benefit from the existing infrastructure including haul roads, weighbridge, asphalt plant and welfare facilities.
205. There would be economic and environmental benefits. The continued operation of the site would have economic benefits through maintained employment for direct workers and suppliers as well as continuing to support local suppliers, hauliers and other businesses.
206. The progressive restoration proposals will allow for the conservation and restoration of biodiversity interest in the existing quarry, and therefore accord with the biodiversity conservation duty set out in Section 40 of the Natural Environment and Rural Communities Act 2006, which sets out that public authorities must, in exercising their functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

#### *Adverse Impacts*

207. The development would result in some adverse landscape harm to the North Pennines Area of Outstanding Natural Beauty, although this effect would be localised and of limited magnitude.
208. The development would result in topographical changes to the non-designated Stanhope deer park and the loss of the former Heights mine.
209. The development would require the permanent diversion of a public right of way to facilitate the full extraction of mineral from the proposed extension.

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## CONCLUSION

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210. Heights Quarry is an established operational Carboniferous limestone quarry with planning permission for extraction until February 2042. The proposed northern extension to the site, and modest extension of time would help facilitate the continued steady and adequate supply of Carboniferous limestone over the next 27 years, allowing full extraction of the previously permitted and new reserves, and would make a contribution to meeting an identified need for crushed rock aggregate production over the period to 2046 that is not contrary to the requirement of Policy M1 to maintain a 10 year crushed rock landbank. The proposal is also consistent with the provisions of Paragraph 208 of the NPPF in this respect.
211. MLP Policies M3 and M22, the most important policies for determining the application, are considered out of date and there are no policies within the framework that protect assets of particular importance. Consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF in that that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
212. Paragraph 205 of the NPPF requires that when determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy. It also requires consideration of the environmental impacts of mineral extraction on the natural and historic environment.
213. It is considered that whilst there are some adverse impacts relating to the proposal these do not significantly and demonstrably outweigh the benefits of the proposal in terms of continued supply of carboniferous limestone, maintenance of employment and wider economic influence and the restoration of the site.
214. Whilst the proposal would cause a degree of localised harm to the landscape of the AONB it is considered that the benefits of the proposal, in terms of crushed rock aggregate supply, jobs and future biodiversity enhancement are sufficient to outweigh this harm. The likely impacts of the proposed development upon residential amenity (including noise, dust and blasting), landscape and visual impact, biodiversity interests, access and traffic, public rights of way, hydrology, cultural heritage, agriculture and soils and cumulative impact have been considered. It is concluded that the scheme would not have significant environmental effects of an adverse nature sufficient to justify a recommendation of refusal having regard to the proposed planning conditions which would provide the requisite environmental protection.
215. No objections have been received from local residents, however, objections and comments were received from interest groups including the local Durham Bird Club and Wear Rivers Trust, and the national CPRE and RSPB. Careful consideration was given to the potential impacts on local amenity associated with matters such as noise, dust and visual impact, blasting and access and traffic matters as well as wider environmental matters. These issues are fully addressed within the report and can be controlled through the implementation of appropriate mitigation measures and planning conditions.
216. The proposed development is considered to broadly accord with the relevant policies of the County Durham Minerals Local Plan, the Wear Valley Local Plan, and relevant sections of the NPPF.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the following conditions:

### **Approved Documents**

1. The development hereby permitted shall only be carried out in accordance with the documents listed below, details subsequently approved in accordance with this permission, or any variation which has been subsequently agreed in writing by the Mineral Planning Authority in advance:

Drawing No. M14.211(b).D.009 Figure 2 – Location Plan  
Drawing No. M14.211(b).D.004 Figure 4 – Phase 1B  
Drawing No. M14.211(b).D.005A Figure 5 – Phase 1C  
Drawing No. M14.211(b).D.006B Figure 6 – Phase 2  
Drawing No. M14.211(b).D.007B Figure 7 – Phase 3  
Drawing No. M14.211(b).D.008 Figure 8 – Concept Restoration Strategy

- Heights Quarry Preliminary Ecological Assessment (PEA) Section 6
- Environmental Scheme (dated 22 January 2018)
- Soil Resources and Management of Land at Heights Quarry, Eastgate – Report 1146/1 (dated 26 November 2015).

Reason: To ensure the development is carried out in accordance with the approved documents.

2. From the date of these conditions until such time as the development hereby permitted is completed, copies of these conditions and the approved documents referred to in Condition 1, and any subsequently approved in accordance with this permission, shall always be available on site for inspection during normal working hours. The existence and contents of these conditions and approved documents shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure the development is carried out in accordance with the approved documents.

### **Matters Requiring Subsequent Approval**

3. The development hereby permitted shall only be carried out in accordance with a scheme or schemes to be approved, in writing, by the Mineral Planning Authority, which shall include provision for the matters listed below. The details shall be submitted and approved in writing prior to the commencement of soil stripping and mineral extraction in Phases 2 and 3:

- a) The method, direction, sequence, depth and area of working;
- b) A survey of topsoil, subsoil/overburden resources both in storage mounds on the site and to be used in each phase of restoration;
- c) The angles of excavated slopes and margins to the site boundary;
- d) The location and construction of haul roads within the site;
- e) The location and height of mineral stockpiles;
- f) The location, height, size and surface treatment of any overburden and quarry waste disposal tips.
- g) Details of the restoration of the site, which shall include:

- i. the final contours for the site (at 2 metre intervals), indicating how such contours tie in with the existing contours on adjacent land;
  - ii. the replacement of soils including depths and handling and replacement methods;
  - iii. a scheme to provide for the management of the restored ground
  - iv. the drainage of the restored site;
  - v. the erection of fences;
  - vi. the planting of trees and hedges, to include the numbers species and percentages of species to be planted; size and spacing; ground preparation; fencing; subsequent maintenance and management;
  - vii. the reinstatement and/or provision of additional drystone walls;
  - viii. the routes of public rights of way, details of the surfacing and any other works associated with them and a timetable for their provision.
  - ix. the provision of appropriate site interpretation material based on the results of the archaeological works;
  - x. measures to ensure that the risk of erosion is minimised and the use of agricultural machinery is not unduly restricted;
- h) A detailed strategy for the aftercare of the land for 5 years following compliance with Condition 56 including any planting and boundary treatments including replacement planting and planting timescales, details of Calcareous limestone grassland establishment and maintenance and management of works.
- i) Details of footpath protection measures
- j) Details of any demolition works including method statements where necessary
- k) A review of the Environmental Scheme for the site

Reason: to ensure that the site is worked and restored in an environmentally acceptable manner (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Parts 15 and 17 of the National Planning Policy Framework).

## **Commencement**

4. The development hereby approved must commence not later than three years from the date of this certificate, commencement being the continuation of mineral extraction from the quarry.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which places a time limit on when any permitted development may start by. (Town and Country Planning Act 1990.)

5. At least seven days advance notice of the date of commencement of the development shall be given, in writing, to the Minerals Planning Authority.

Reason: To ensure the development is carried out in accordance with the approved documents.

## **Completion**

6. The winning and working of minerals hereby permitted shall cease not later than 31 September 2046.

Reason: To ensure the development is carried out in accordance with the approved documents. To avoid unnecessary delay in the restoration of the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

7. Within 12 months of the permanent cessation of winning and working of minerals, all buildings, plant, machinery, structures and foundations shall be removed from the site and the site restored in accordance with the details set out in Condition 1 or as amended by details submitted in accordance with Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

8. If mineral extraction is temporarily suspended for a period of 6 months or more, then the operator shall give the Mineral Planning Authority notice of the date upon which mineral extraction was suspended within 7 days of the expiration of the 6 month period. Written notification shall also be given to the Mineral Planning Authority at least 7 days prior to the resumption of mineral extraction following a temporary suspension.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

9. In the event that winning and working of minerals ceases for a continuous 2 year period then such operations shall have deemed to have ceased and the Minerals Planning Authority shall be notified in writing within one month of the date of cessation. The land shall be restored in full accordance with the restoration scheme agreed with the Minerals Planning Authority in accordance with Condition 1 or as amended by details submitted in accordance with Condition 3 or such other scheme for the reinstatement and aftercare of the site as may be agreed in writing in advance with the Minerals Planning Authority and the site restored within the timescale specified in Condition 7.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

## **Policy Monitoring**

10. Details of annual sales and remaining permitted reserves of minerals from the site shall be submitted to the Minerals Planning Authority. The period provided for shall be from 1 January to 31 December each year and the information shall be provided by 31 March for the preceding period.

Reason: To enable monitoring and assist the Mineral Planning Authority in the forward planning of mineral resources.

## **Access and Protection of the Public Highway**

11. Vehicular access to and from the site shall only be via the approved site access off the A689 as shown on Drawing No. M14.211(b).D.009 Figure 2 – Location Plan

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Parts 9, 15 and 17 of the National Planning Policy Framework).

12. Measures shall be taken to ensure that mud, dirt, and waste is not transferred onto the public highway. At such time these measures are not sufficient to prevent the transfer of any material onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Parts 9, 15 and 17 of the National Planning Policy Framework).

13. The loads of all heavy goods vehicles leaving and entering the site shall be fully covered by sheeting or otherwise fully contained as may be appropriate to the material.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Parts 9, 15 and 17 of the National Planning Policy Framework).

14. Measures as necessary shall be installed and maintained for the life of the development hereby permitted to ensure that no slurry or water from the site flows onto the public highway.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Parts 9, 15 and 17 of the National Planning Policy Framework).

## **Archaeology**

15. Prior to the commencement of operations in Phase 2 (as shown on Drawing No. M14.211(b).D.006B) a programme of archaeological work must be carried out in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii. Post-fieldwork methodologies for assessment and analyses.
- iv. Report content and arrangements for dissemination, and publication proposals. Archive preparation and deposition with recognised repositories.
- v. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vi. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- vii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with paras 197 and 199 of the NPPF because the site is of archaeological interest.

16. Within 12 months of commencement within Phase 3 (as shown on Drawing No. M14.211.D.007B) , a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 199 of the NPPF which ensures information gathered becomes publicly accessible.

## **Soil Stripping**

17. All soil shall be separately stripped from any areas to be excavated and placed in storage mounds or landscape embankments as shown on the drawings referred to in Condition 1. No overburden shall be placed directly onto areas not yet stripped of soil.

Reason: To ensure the development is carried out in accordance with the approved documents. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

18. The stripping and movement of soils shall only be carried out when the soil is in a sufficiently dry and friable condition and the ground is suitably dry to allow passage of heavy vehicles and machinery over it without damage to the soils.

Reason: To ensure the development is carried out in accordance with the approved documents and in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

19. No plant or heavy vehicles (with the exception of agricultural vehicles) shall cross any areas of unstripped soil except for the purpose of stripping operations.

Reason: To ensure the development is carried out in accordance with the approved documents. To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

20. Soil mounds formed in accordance with Condition 17 shall be seeded with an appropriate grass seeds mixture and timetable for seeding agreed with the Mineral Planning Authority beforehand.

Reason: To ensure the development is carried out in accordance with the approved documents. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

21. At least 48 hours notice shall be given to the Mineral Planning Authority of the commencement of soil stripping operations, as shall an estimate of the duration of such operations.

Reason: To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

22. No soils shall be removed from the site.

Reason: To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

## **Working Hours**

23. Extraction and processing activities shall be restricted to the following periods and not at all on bank or public holidays:

0600 hours to 1900 hours Monday to Friday

0600 hours to 1600 hours Saturday

0700 hours to 1200 hours Sundays

With the exception of distribution of quarried stone and manufactured materials, pumping and carrying out of essential maintenance and servicing of plant and machinery no operations shall take place outside these hours save in cases of emergency. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts and Parts 9, 15 and 17 of the National Planning Policy Framework).

## **Environmental Protection**

### **Dust**

24. The site shall be operated in accordance with the Environmental Scheme (dated 22 January 2018) referred to in Condition 1, or as amended by Condition 3, including the following measures, to suppress dust emissions from the site arising from vehicular movements, extraction operations, mineral, soils and overburden stockpiling arrangements and soil spreading operations:

- i) The provision of a water bowser which shall be used to suppress dust during the permitted operating hours when there is risk of dust arising from haul roads or vehicle manoeuvring areas.
- ii) The provision and use of efficient dust collection equipment on drilling rigs.
- iii) A speed limit of 15mph on all internal haul roads, with exhausts of mobile plant directed away from the ground.
- iv) storage mounds for soils and overburden which will be untouched for more than three months shall be seeded in accordance with details agreed.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting local amenity, M43 Road traffic and Parts 15 and 17 of the National Planning Policy Framework).

25. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Management Plan approved under Condition 1, or as amended by Condition 3. Results from dust monitoring shall be available on site for inspection during normal

working hours, with copies being supplied to the Mineral Planning Authority on request within two working days.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

26. At such times when the equipment provided and the provisions in the Dust Management Plan approved under Condition 1, or as amended by Condition 3 are not sufficient to minimise and control dust arising from and leaving the site, operations shall temporarily cease until additional dust suppression equipment is provided in order to minimise and control dust from leaving the site.

Reason: In the interests of residential amenity and to ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

## Noise

27. Except when soil handling operations are taking place, the noise emitted from operations on the site shall not result in ambient noise levels greater than  $55\text{dB}_{\text{L}_{\text{Aeq},1\text{hour}}}$  (freefield) at the nearest noise sensitive receptors.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

28. Noise emitted from the operations listed below shall not at any time result in ambient noise levels greater than  $70\text{dB}_{\text{L}_{\text{Aeq},1\text{hour}}}$  (freefield) when measured at the nearest noise sensitive properties.
- (a) the stripping and respreading of all soils
  - (b) the construction and removal of baffle mounds, soil storage mounds and spoil heaps
  - (c) construction of new permanent landforms
  - (d) site road construction and maintenance

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

29. All plant and machinery used on site shall be fitted with an effective silencer and operate with the doors or cowls of its engine(s) in the closed position.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M43 Minimising Traffic Impacts Paragraphs and Parts 15 and 17 of the National Planning Policy Framework).

30. Noise mitigation measures and the monitoring of site operations shall be carried out in accordance with Environmental Scheme (dated 22 January 2018). Results from noise monitoring shall be available on site for inspection during normal working hours, with copies being supplied to the Mineral Planning Authority on request within two working days.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

## Blasting

31. No blasting shall take place except between the following times:

1000 hours to 1700 hours on Monday to Friday

There shall be no blasting on Saturdays, Sundays, Public or Bank Holidays.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

32. The blast design shall be such that ground vibration levels arising from blasting shall not exceed a peak particle velocity of 10mm per second in any mutually perpendicular plane and calculated with a 95% confidence limit (over a 6 month period), and no individual blast shall exceed a peak particle velocity of 12mm per second as measured at any vibration sensitive property.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

33. Ground vibration levels during blasting shall be monitored for peak particle velocity in three mutually perpendicular planes in accordance with the details approved under Condition 1 or as amended under Condition 3. Results from blast monitoring shall be available on site for inspection during normal working hours, with copies being supplied to the Mineral Planning Authority on request within 2 working day.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

34. No secondary blasting shall be carried out.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs and Parts 15 and 17 of the National Planning Policy Framework).

## Ecology

35. The site shall be operated in accordance with the Biodiversity Objectives and Targets detailed in Section 5.0 of the Biodiversity Action Plan Dated November 2016.

Reason: In the interests of nature conservation. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M29 Nature Conservation* and Parts 15 and 17 of the National Planning Policy Framework).

## Floodlighting and Other Illumination

36. To minimise the impact of floodlighting or disturbance through obtrusive, the guidance listed in The Institution of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' (or such other subsequent revision or publication that

replaces this guidance note), including reference to 'Environmental Zones', shall be followed at all times.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity and Parts 15 and 17 of the National Planning Policy Framework).

### **Groundwater and Surface Water Drainage Protection**

37. There shall be no active de-watering of the site or interruptions to ground or surface water flows.

Reason: To prevent adversely affecting watercourses passing through or outside the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources and Parts 14, 15 and 17 of the National Planning Policy Framework).

38. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank it contains plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. The bund shall be sealed with no drain for removal of contained liquids. Any bund contents shall be bailed or pumped out under manual control and disposed of safely.

Reason: To prevent adversely affecting watercourses passing through or outside the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources and Parts 14, 15 and 17 of the National Planning Policy Framework).

### **Buildings, Fixed Plant and Machinery**

39. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings, fixed plant, or machinery, other than approved under Condition 3 above, shall be erected or placed on the site other than with the prior written approval of the Mineral Planning Authority.

Reason: In the interests of residential amenity and to enable the local planning authority to consider the implications of any proposal to expand the activities which take place within the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Parts 15 and 17 of the National Planning Policy Framework).

40. The external cladding or finish of all buildings, structures or fixed plant shall be maintained in a reasonable state of repair and appearance to the satisfaction of the Mineral Planning Authority throughout the life of this development.

Reason: In the interests of visual amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Parts 15 and 17 of the National Planning Policy Framework).

41. Any buildings, structures or machinery which are no longer required shall be removed from the site within 3 months of the permanent cessation of their use.

In the interests of visual amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Parts 15 and 17 of the National Planning Policy Framework).

### **Site Maintenance**

42. For the duration of the development, until restoration of the site, the following site maintenance operations shall be carried out:
- a. the maintenance of fences in a stockproof and secure condition, between any areas used for development, and adjoining agricultural land;
  - b. the care and maintenance of trees to be retained within the site boundary and treatment of those affected by disease, in accordance with accepted principles of good woodland management and good arboricultural practice (including the provision of protective fencing);
  - c. the maintenance of drainage ditches;
  - d. all areas of the site, including undisturbed areas and all soil and overburden mounds, shall be managed to minimise erosion and shall be kept free from injurious weeds (as defined by The Weeds Act 1959). Cutting, grazing or spraying shall be undertaken, as necessary and appropriate to the approved after-use of the land where the materials in mound are to be replaced, to control plant growth and prevent the build-up of a seed bank of such weeds, or their dispersal onto adjoining land.

Reason: To ensure the site is satisfactorily restored and in the interests of visual amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Parts 15 and 17 of the National Planning Policy Framework).

### **Restoration**

43. Restoration of the site shall be in accordance with Drawing No. M14.211(b).D.008 Figure 8 – Concept Restoration Strategy as set out in Condition 1 above or as amended by detail submitted in accordance with Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

### **Removal of Mining Facilities**

44. In accordance with the agreed restoration strategy approved under Condition 1, or as amended by Condition 3, all areas of hardstanding, including the access road and haul roads, shall be broken up and taken to a licensed waste management facility.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

45. In accordance with the agreed restoration strategy approved under Condition 1, or as amended by Condition 3, any settlement lagoons and drainage channels shall, unless to be retained in accordance with approved plans, be emptied of slurry, filled with dry

inert material from the site, and restored to levels shown on the approved restoration plan.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

46. In accordance with the restoration requirements, all equipment, machinery, and buildings shall be removed from the site.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

### **Replacement of Overburden**

47. The placement of overburden (including quarry waste) into the voids of completed workings shall be graded to levels in accordance with the restoration plan approved by the Minerals Planning Authority and in accordance with the restoration strategy approved under Condition 1, or as amended by Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

48. Overburden (including quarry waste) shall be replaced to such levels, and in such a way that, after the replacement of soils, the contours of the restored land conform with the approved restoration contours approved by the Minerals Planning Authority in accordance with the restoration strategy approved under Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

49. The Minerals Planning Authority shall be notified when Condition 48 has been complied with, and shall be given an opportunity to inspect the surface before further restoration work is carried out.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

### **Replacement of Soil**

50. Soils and soil-making materials (including quarry waste) shall only be respread when it, and the ground on which it is to be placed, are in a sufficiently dry condition and in accordance with the approved details required by Condition 1, or as amended by Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

51. No movement, replacement or cultivation of topsoils or subsoils shall be carried out during the months of October, November, December, January, February and March

inclusive, without the prior consent of, by methods and for a period agreed with, the Mineral Planning Authority.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

52. After Condition 48 has been complied with, soil and soil-making materials (including quarry waste) shall be respread where appropriate, in layers to be agreed beforehand with the Minerals Planning Authority and in accordance with the approved restoration scheme.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

53. Each layer formed in accordance with Condition 52 shall be rooted to its full depth and any non-soil type material or rock, boulder or stone, larger than would pass through a wire screen mesh with a spacing of 0.3 metres shall be removed from the surface and not buried within the respread soil.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

54. All areas of exposed soil shall be rooted to relieve compaction and surface picked to remove any obstructions to cultivation in accordance with the restoration scheme approved under Condition 1, or as amended by Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

55. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Conditions 52 and 53 prior to further restoration being carried out, and should be kept informed as to the progress and stage of all works.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

56. Following compliance with Conditions 52 and 53, the surface shall be graded to ensure that the contours of the landform conform with the restoration contours approved by the Minerals Planning Authority in accordance with the restoration scheme approved under Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

### **Provision of Surface Features Including Seeding**

57. Following compliance with Condition 56 land to be sown shall be worked to prepare a seedbed suitable for the sowing of the appropriate seed mixture (as set out in the restoration scheme submitted under Condition 1, or as amended by Condition 3).

During the cultivation process, any stones lying on the surface which are larger than would pass through a wire screen mesh with a spacing of 100mm, together with any other objects likely to obstruct future cultivation, shall be removed from the site.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

58. By no later than the end of September following compliance with Condition 57, land so prepared shall be sown with the grass seed mixture approved in accordance with the restoration scheme approved under Condition 1, or as amended by Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

59. Hedges and trees shall be planted in accordance with the restoration strategy approved under Condition 1, or as amended by Condition 3 and planting shall at all times take place during the planting season which runs from 1 November to 31 March.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

60. Calcareous grassland shall be sown in those areas shown on drawings and documents approved in accordance with the restoration strategy approved under Condition 3. Where quarry waste and soil making materials are used as a medium for establishing grassland, the Minerals Planning Authority shall be given an opportunity to inspect the material prior to spreading.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

61. Works to the quarry faces, including restoration blasting and planting on restored faces shall be carried out in full accordance with the drawings and documents approved in accordance with the restoration scheme approved under Condition 1, or as amended by Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

62. The formation of the wetland areas shall be carried out in full accordance with the drawings and documents approved in accordance with the restoration scheme approved under Condition 1, or as amended by Condition 3.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 17 of the National Planning Policy Framework).

## **Aftercare**

63. The aftercare period referred to in the following conditions is a period of 5 years after compliance with Condition 56 for the whole of the site.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which places a time limit on when any permitted development may start by as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

## Annual Review

64. Before 31st August of every year during the aftercare period in respect of all tree planting and restoration works, including seeding, carried out in accordance with approved details a report shall be submitted to the Minerals Planning Authority recording the operations carried out on the land during the previous 12 months (including works to rectify grass sward and planting failures, and identified as necessary by the Minerals Planning Authority as a consequence of preceding site meeting, held in accordance with Condition 65), and setting out the intended operations for the next 12 months.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

65. Every year during the aftercare period the developer shall arrange a site meeting to be held before 30th November, to discuss the report prepared in accordance with Condition 64, to which the following parties shall be invited:
- (a) the Minerals Planning Authority;
  - (b) all owners of land within the site;
  - (c) all occupiers of land within the site.
  - (d) Natural England (as appropriate);

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

66. Aftercare of trees, shrubs and hedgerows shall proceed in full accordance with the approved restoration scheme, which shall include the following:
- (a) replacing plants which die or are missing;
  - (b) weeding early in each growing season and as necessary thereafter to prevent the growth of plants being retarded;
  - (c) maintaining fences around planted areas in a stock and rabbit proof condition;
  - (d) appropriate measures to combat all other pests and/or diseases which significantly reduce the viability of the planting scheme.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

67. Aftercare of grassland, including all Calcareous grassland, and wetland areas shall proceed in full accordance with the details approved in accordance with the scheme agreed by the Minerals Planning Authority under Condition 1, or as amended by

Condition 3 for the duration of the aftercare period, this being 5 years from soil replacement.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

### **Completion and Aftercare**

68. The period of aftercare shall be deemed to have been successfully completed following a period of 5 years effective management of the site.

Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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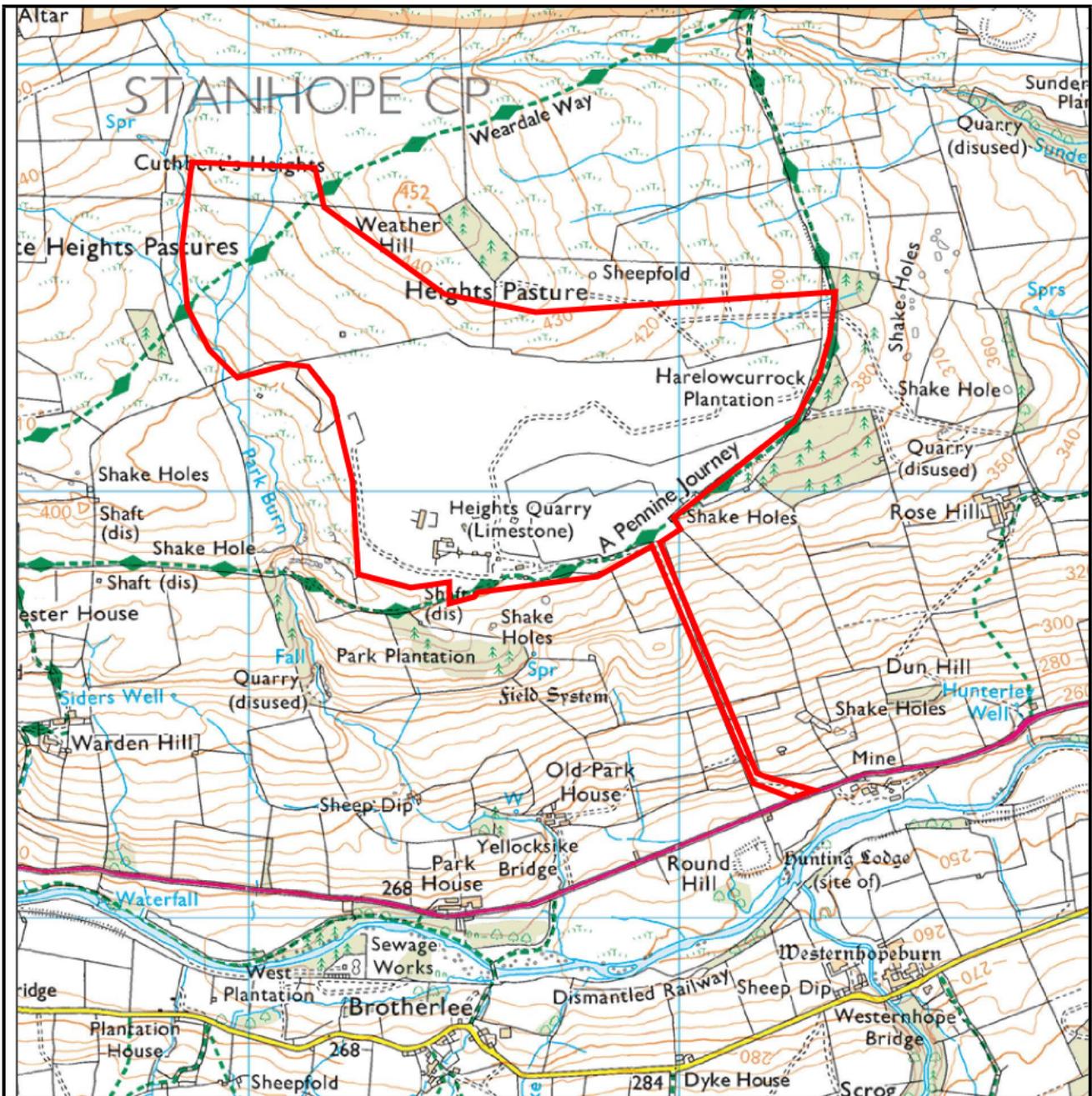
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

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## **BACKGROUND PAPERS**

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- Submitted application form and plans provided by the applicant.
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance
- County Durham Minerals Local Plan (December 2000).
- Statutory, internal and public consultation responses.



**Planning Services**

DM/18/02483/MIN

North-western extension to Heights Quarry for the winning and working of 6.97 million tonnes of limestone, extension of time to 2046 and restoration of the site to a mix of habitats, pasture land, woodland, and public access.

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**Comments**

**Date** May 2019

**Scale** Not to scale

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