



County Planning Committee

Date Tuesday 6 December 2016
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 1 November 2016 (Pages 3 - 14)
5. Applications to be determined
 - a) 1. DM/16/01937/MIN and 2. DM/16/01943/VOCMW - Kilmondwood Quarry, Boldron (Pages 15 - 62)
 1. Eastern extension to Kilmondwood Quarry for the winning and working of 5 million tonnes of Carboniferous limestone and the importation of 192,000 cubic metres of inert materials, with restoration to broadleaved woodland, low nutrient grassland, calcareous grassland, hedgerow and natural regeneration on exposed limestone over 26 years and 6 months and
 2. Variation to Planning Permission No. 8/PRA/2013/6/1 to allow eastern extension to quarry
 - b) 1. DM/14/02371/VOCMW and 2. DM/14/02372/WAS - Land at Birtley Quarry, Station Lane, Birtley (Pages 63 - 136)
 1. Variation of Conditions 1 (approved documents), 5 & 6 (matters requiring subsequent approval), 7 & 8 (completion date), 9 (future works required) 13, 14, 17-21 (topsoil stripping and bunding works), 23 & 24 (method of working), 29 (equipment), 30 (noise), 32 (site maintenance), 34 (archaeology), 35 & 36 (removal of site compound, access & haul roads), 37 (provision of surface features) and 41 (maintenance of hedges and trees) of Planning Permission 2/88/116CM and
 2. Remediation works using recovered inert waste materials to achieve suitable and stable restoration profiles for northern and southern faces of the quarry
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

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
28 November 2016

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

Councillor K Davidson (Chairman)
Councillor B Moir (Vice-Chairman)

Councillors D Boyes, J Clare, P Conway, M Dixon, G Holland,
I Jewell, A Laing, R Lumsdon, C Marshall, H Nicholson,
G Richardson, A Shield, P Taylor and R Young

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 1 November 2016 at 1.00 pm**

Present:

Councillor K Davidson (Chairman)

Members of the Committee:

Councillors J Clare, P Conway, J Gray, I Jewell, A Laing, B Moir (Vice-Chairman), H Nicholson, G Richardson, J Robinson, A Shield, P Taylor and R Young

1 Apologies for Absence

Apologies for absence were received from Councillors Boyes, Dixon, Holland and Lumsdon.

2 Substitute Members

Councillor J Gray as substitute for Councillor M Dixon and Councillor J Robinson as substitute for Councillor R Lumsdon.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 6 September 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/16/01228/FPA - Milburngate House, Durham City

The Committee considered a report of the Senior Planning Officer regarding a detailed planning application for mixed use development comprising of leisure (use classes D1 and D2), retail (use class A1), financial and professional services (use class A2), food and drink (use class A3, A4 and A5), offices (use class B1) and 291 residential units (use class C3) together with associated access, demolition, landscaping and infrastructure works and outline planning application with all detailed matters reserved except access for a mixed use development of office (use class B1) and maximum of 150 residential units (use class C3) and associated landscaping and infrastructure works at Milburngate House, Durham City (for copy see file of Minutes).

H Jones, Senior Planning Officer gave a detailed presentation on the application which included the proposed layout arrangements for the site, pedestrian and vehicular access and current and proposed visual appearances. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

The Senior Planning Officer informed the Committee of the following updates to the Conditions contained in the Committee report:

- Condition 4 required revision to reference to a Travel Plan dated October 2016;
- Condition 17 required revision because one of the noise limits needed to reflect World Health Organisation guidance whilst the term 'outdoor living areas' should be changed to 'formal amenity areas';
- Condition 19 required revision so that it expressly related to external lighting only;
- Condition 23 required revision so that stated noise levels reflected the latest British Standard.

Councillor Freeman, local Member, addressed the Committee on the application. While it was clear that the Milburngate House site needed to be redeveloped, there were certain aspects of the proposals he was unhappy with, in particular the heights of the proposed buildings were excessive particularly in the north-west sector, which would impact on the views from the railway station. Policy E6 of the saved City of Durham Local Plan required proposals for large buildings to be fragmented into blocks of visually smaller elements in a way which was sympathetic to the historic city centre and the proposed development failed to do this. The development needed a better cascading effect from Framwellgate Peth towards the river.

Councillor Freeman referred to the proposed cinema development as part of the proposal and reminded the Committee that a cinema development had been approved at the redevelopment of the Gates which would be completed ahead of this development.

Councillor Freeman expressed concern at the loss of trees from the proposal, particularly those running from Sidegate towards Milburngate roundabout and considered that many of the established trees should be retained. Policy E14 of the City of Durham Local Plan required the retention of trees and hedgerows wherever possible and Policy E15 stressed the importance of trees, which shielded developments and retained residential amenity.

There were no details in the application regarding connectivity between it and the Gates development and there was also no information as to how egress from the development onto Framwellgate Peth, which was to be controlled by traffic signals, would be restricted to residents only.

The development would lead to an increase of 2% in Nitrogen Dioxide levels in the City which already had unacceptable air quality levels.

There were no s106 payments from the scheme, which was a multi-million pounds scheme, and this was a loss to residents and the community. There was no Condition to outline working hours. Working hours at the Gates had been extended to 23 hours working by planning officers and Councillor Freeman requested that working hours on this application be Conditioned 8 a.m. to 6 p.m. Monday to Friday and 8 a.m. to noon Saturday, with no working Sundays or Bank Holidays, to minimise noise and inconvenience to residents of nearby Sidegate.

John Metson of Sidegate Residents Association addressed the Committee to express concerns about the application. There were concerns relating to the environmental impact of the proposal and the Environment, Health and Consumer Protection Officer had requested a number of conditions relating to noise impact assessment, a scheme of vibration control and a construction management plan.

There was concern that properties in Sidegate could be damaged from pile driving operations at the development as one house in the street had suffered structural damage during the construction of the nearby Radisson hotel. The residents had requested that the developer survey properties in Sidegate prior to any works commencing but the developer had only agreed to survey the properties if necessary. The residents requested a firm assurance that working hours on the development be conditioned to 8 a.m. to 6 p.m. Monday to Friday and 8 a.m. to noon Saturday, with no working Sundays or Bank Holidays. The nearby Gates development had applied for working hours to be extended into the night time and this had been granted which had led to intolerable conditions for those living in the vicinity.

While Mr Metson was generally in favour of the masterplan for the proposal, the development was such a significant addition in the City centre it was essential that it was designed, built and maintained to the highest standard. Mr Metson was thankful for the level of consultation which had taken place on this development and hoped that this would continue.

Neil McMillan, Development Director of Carillion Developments addressed the Committee. The development consortium, which included Carillion, had completed the Freemans Reach development over the river from Milburngate House within the approved criteria, working in collaboration with key stakeholders. The development had helped to retain 1,000 jobs within the City and set a quality for new riverside builds in Durham. The Milburngate House development was a once in a lifetime development opportunity which would attract a significant inward investment and create employment and would enhance Durham as a residential, business and visitor destination.

The development would provide for up to £160m of inward investment and would facilitate the provision of up to 1,015 full time and 653 temporary construction jobs. The development would bring new life into the site and would be a positive transformation of the riverside.

The proposed development was a sustainable mixed use development. Mr McMillan informed the Committee that contracts had been exchanged with Everyman Boutique Cinemas for the site and other leisure operators had signed

heads of terms. There was a mix of housing proposed for the site which would increase the housing choice in Durham and deliver much needed homes, as well as delivering high quality office space. The applicant had worked closely with the County Council and Historic England and the design of the development addressed all issues which had been raised.

There had been extensive public consultation carried out for the development with two public exhibitions, a website and a Facebook page which had attracted positive feedback and issues raised had been addressed.

This was an exciting opportunity to develop the site which would elevate the position of Durham in the region.

The Senior Planning Officer addressed the Committee to respond to the issues raised

- Concerns about the scale, mass and visual impact – the design had been through many iterations and amendments had been made. It was now considered that the scale and mass was appropriate for the development, which would cascade towards the riverside.
- The north-west area of the development site was one of the outline planning permission areas. The maximum height of the building in this development zone had been reduced in response to concerns raised.
- The design of the development nearest to Milburngate Bridge had been amended to create a lighter appearance.
- Historic England had responded positively to the development and had described it as a clear improvement on what currently existed.
- Tree removals were necessary because of the need to remove some retaining walls. Policy E14 of the Durham City Local Plan stated that trees would not be removed wherever possible but in this case removals were necessary. The trees which were to be removed were part of the landscape scheme when Milburngate House was first constructed, and historically Framwellgate Peth had buildings hard up against the road.
- Regarding concerns about a further cinema, the site was in a city centre location where such development was an acceptable use. It was therefore a matter of competition, which planning should not seek to control. In addition, The Gates cinema operator would be Odeon which was a different offer to a boutique cinema.
- The development plans did show the link between this development and The Gates and a condition was proposed to firm up the design of this.
- The Highway Authority had not objected to the proposed traffic lights on Framwellgate Path and there was a condition proposed to control use of this access by residents only.
- The Council's air quality officers had raised no objection to the proposed development as they considered any impacts would be negligible.
- Referring to the absence of a s106 contribution for recreational/open space and affordable housing, the County Council had employed the services of two external consultants who had assessed the viability of the development as marginal. There was open space proposed within the development.

- Demolition and construction. Planning permission for the demolition of Milburngate House had already been approved. A Construction Management Plan was required under the proposed Condition 7 of the planning permission which would include issues such as vibration and community liaison and would also control working hours. However, a commitment to working hours could now be discussed further with the applicant.

Councillor Shield informed the Committee that he was very happy that this application had come forward because the area at Milburngate House looked tired. However, he had concerns about the following matters:

- another cinema coming to the City, which seemed to be going from famine to feast with cinemas;
- the underpass proposed to link the development to The Gates, which was currently very poorly lit and not very well accessed;
- levels of lighting and barriers along the riverside to prevent accidents.

Councillor Shield proposed that working hours for the development should be stated in the conditions to the planning permission and that these should be 8 a.m. to 6 p.m. weekdays, 8 a.m. to 1 p.m. Saturdays.

The Senior Planning Officer replied that plans showed a link to The Gates and it was a proposed condition of the planning permission to provide further details. There was an existing barrier rail along the riverside walk and there were no plans to remove this. Lighting of the area included conflicts of safety versus the World Heritage Site versus ecology in the area, which was a habitat for bats and other species on the river. A careful balance therefore needed to be achieved.

Councillor Moir informed the Committee that he was delighted the developers were working with the community as this provided residents the opportunity to voice their opinions. This application had been ongoing for some three years and this was a testimony to the County Council's understanding of this area.

Councillor Moir expressed concern the Committee had been informed that Everyman Cinema had been contracted to provide a cinema on the site before the site had been granted planning permission. Working hours for the site needed to be discussed. The trees on the site had only been there since 1968 when Milburngate House was developed and were part of the landscaping plan for that development. Connectivity to The Gates development needed to be overseen because The Gates and Milburngate House were being developed by two different developers.

Councillor Moir was very disappointed that there was no affordable housing being proposed in the City centre from this development. He considered that the height of the buildings proposed in the north west corner of the site was too high and that the development as a whole needed to be fragmented. Councillor Moir sought details of the number of car parking spaces proposed on the development.

Councillor Robinson informed the Committee that he considered the proposal to be a welcome development for the City. While the report identified up to 12 units could

be restaurants or coffee shops, he would like to see more retail on the development. The County Council's Employability Team had requested that targeted recruitment and training clauses were included within any s106 legal agreement, yet the proposed s106 agreement did not include these. The development was a great local opportunity for jobs and Councillor Robinson asked how this would be achieved if not included in a s106 agreement.

Councillor Robinson had concerns about flooding issues by the riverside. He referred to the very high traffic levels on Framwellgate Peth, particularly at peak times, and sought a reassurance from the highways officer that this development would not impact on this.

Durham City had experienced a full year of roadworks and was currently experiencing significant demolition and construction works at The Gates. These had caused significant disruption to those who lived in the City and Councillor Robinson agreed that working hours for this development should be stipulated.

Councillor Conway shared the comments already made, adding that nobody actively opposed the application. The application was a hybrid nature with permission for two of the development zones being in outline only. Councillor Conway would have preferred the application to have been a comprehensive one for the whole site and raised concerns with the lack of detail within the outline phase and the height of this part of the development. The development was a multi-million pounds investment by three major organisations and Councillor Conway asked that some mechanism be available, as the site completed, for the opportunity to provide affordable housing and s106 money for the City centre. Hours of working for this site should be specifically stated in the conditions to the planning permission.

The Senior Planning Officer informed the Committee that the s106 agreement proposed allowed for viability review covenants to assess, at a later date, whether the development could provide affordable housing and off-site open space contributions. Regarding the outline phase of the development the application was accompanied by parameter plans and the highest buildings proposed were not within the outline phase of the development but the detailed. An employment and skills plan was to be agreed under condition 8 of the proposed permission. Referring to flood risk, the Environment Agency and the Council's Drainage and Coastal Protection Team had raised no objections to the proposal, subject to mitigation measures being introduced.

J McGargill, Highway Development Manager, informed the Committee that the flow of traffic through the City had been improved following the recent introduction of traffic signals on both Gilesgate and Leazes Road roundabouts. Referring to the proposed traffic signals on Framwellgate Peth these needed to be modelled and conditions 20 and 22 of the proposed permission covered this. The Highway Development Manager gave the Committee an absolute assurance that traffic flow would be no worse than it had been for a number of years. The proposed modelling would look at traffic currently on the highways network, would add traffic from the development, and if necessary would link the traffic signals on the new junction on Framwellgate Path to those on other junctions in the City.

Councillor Davidson sought clarity on whether the cinema contract entered into with Everyman Cinemas was subject to the development obtaining planning approval. Mr McMillan confirmed that the agreement was conditional on the decision of the Committee.

Councillor Taylor praised Planning Officers for the quality of the report and also the work which had been undertaken by the applicants. All concerns had been addressed for the development, which would create jobs, attract business to Durham and make Durham a more vibrant location. He **moved** approval of the application.

Councillor Nicholson, in **seconding** approval of the application, informed the Committee that this was a development on a brownfield site which needed redevelopment, would be a £160m investment and would create many jobs.

Councillor Clare informed the Committee that he was considering the benefits of the development against any losses caused by it. While condition 8 referred to apprentices and work opportunities, it was not clear what was being proposed, and the same could be said for condition 7 relating to noise and air quality. While he was happy to approve the application, the Committee needed to decide whether working hours needed to be included in condition 7. His preference was for actual hours to be included.

The Senior Planning Officer informed the Committee that the conditions proposed regarding employment and skills and noise and air quality impacts were quite standard and that it was normal for these matters to be reserved as such. Regarding working hours there were two options: either condition 7 could be modified to include specified working hours or an additional condition be added. There was a reference in the planning statement to working hours of 8 a.m. to 6 p.m. Monday to Saturday and 8 a.m. to 1 p.m. Saturday. Planning permission for demolition works on the site had already been approved so any condition relating to working hours could only apply to the construction phase.

Mr S Hunter, Project Director for Carillion, informed the Committee that the developers had delivered the Freemans Reach project in three years with no issues relating to noise or working hours. If working hours were to be stipulated then, to allow for a degree of flexibility, 7.30 a.m. to 6 p.m. Monday to Friday, 8 a.m. to 1 p.m. Saturday, with no Sunday working would be preferred. Councillor Shield added that no working on a Bank Holiday should be added to this restriction on working hours. Members of the Committee agreed that these be the stipulated working hours to be included in any planning permission.

Councillor Moir referred to the proposed number of parking spaces at the development and asked how this number had been obtained. The Senior Planning Officer replied that the number of parking spaces had been assessed against required standards. The development site was considered to be very sustainable within easy access to both buses and trains.

Councillor Conway referred to the traffic modelling for Framwellgate Peth and residents access and asked whether this would take into account all three phases of the development. It could be up to 7 years before phases 2 and 3 were completed and it was expected that any highways modelling would take into account all three phases.

The Senior Planning Officer informed the Committee that all matters relating to access were to be considered at this application. The Highway Development Manager would have considered the development as a whole when considering the application.

Councillor Shield referred to the concerns of the Sidegate Residents Association regarding damage to properties from vibration at the development and asked whether there was an opportunity for the developers to conduct a pre-assessment of the properties on Sidegate.

The Senior Planning Officer replied that condition 7 of the planning permission required the developer to mitigate as far as possible means to reduce vibration from the site. It was considered that to condition such a pre-assessment survey would not meet the tests for conditions in this instance. However, the matter could be discussed with the developer as to whether they would be willing to undertake the work regardless.

Following discussion, the developers informed the Committee they would be happy to carry out a survey, subject to boundaries being agreed. The agreed boundary would be those properties in Sidegate.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following:

Viability review covenants so that during established stages of the development the ability for the proposal to provide;

- i) affordable housing (or an off-site contribution); and/or
- ii) off-site contributions towards open space and recreational space

is first reviewed and second, where viability is shown to allow, those covenants shall require said planning obligations to be delivered in accordance with a scheme to be agreed.

and the conditions contained in the report, as amended in accordance with the updates of the Senior Planning Officer, and subject to working hours of 7.30 a.m. to 6 p.m. Monday to Friday, 8 a.m. to 1 p.m. Saturday, with no Sunday or Bank Holiday working being included under condition.

b DM/16/00526/FPA - Land Near To Hargill Road And Railway Street, Howden-Le-Wear, County Durham

The Committee considered a report of the Senior Planning Officer regarding a hybrid application for the erection of a 57 bed care home, community hub/retail units, 20 affordable bungalows and outline permission for 61 residential units on land near to Hargill Road And Railway Street, Howden-le-Wear (for copy see file of Minutes)

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, photographs of the site and setting and proposed layout. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor A Patterson, local Member, addressed the Committee to object to the application. Councillor Patterson informed the Committee that she was representing all three Councillors for the Crook electoral division as well as the residents of Howden-le-Wear.

There had been over 170 objections to this application from residents in Howden-le-Wear which represented nearly $\frac{1}{4}$ of households in the village. The proposed scheme was proposing a new care home and retail units and was too big which would result in it having an adverse effect on the community. The site was not in a sustainable location and there was a lack of need for the development, as well as a lack of an access road.

The development was proposing a community hub, however, such facilities already existed in the village, with the Victoria Centre, the Methodist Community Room and also the village hall which had recently undergone a £ $\frac{1}{4}$ m refurbishment. The proposed retail units would not be sustainable with some shops in the village centre being empty for a number of years. The proposed access was along a lane with one way in and one way out which could lead to parking, obstruction and speeding problems. There was direct access onto the lane from the local primary school and concerns had been expressed that road safety measures would be needed if the application was to be approved.

The local school was already oversubscribed and the neighbouring school in Crook was not on a direct bus route, which would lead to an increased use of cars to transport pupils to school. The proposed development would include a 57 bed care home, yet a care home already existed in Crook which was 1 mile away.

The proposed development was outside the development plan limits for the village and was in open countryside. It would lead to the loss of mature trees and the adverse effects to the community were too great. Councillor Patterson asked the Committee to refuse the application.

Mr M Allen, local resident, addressed the Committee to object to the application. There was united opposition to the scheme in Howden-le-Wear and residents considered the proposed development to be out of scale, unwanted, unacceptable and deeply flawed. There had been over 170 objections to the development which

represented nearly $\frac{1}{4}$ of households in the village. There was a level and united nature of disapproval for the scheme by residents in Howden-le-Wear.

The proposed development would have a negative transformational effect on Howden-le-Wear which would change the village feel which currently existed. While the need for development was recognised, any development should be appropriate and scaled in consultation with the local community. Mr Allen asked the Committee to reject the application.

Mr Twyman, representative of the applicant, addressed the Committee in support of the application.

Paragraphs 100, 132 and 137 in the report all related to the design of the proposed buildings. However, feedback from residents was that they did not want the character of the village to change and so the development had been designed to blend in with the village.

The settlement plan of Howden-le-Wear was extending along the roads and therefore any new houses which were built would follow along the roads. Phase 1 of the development would be in a secluded core area and the visual impact would be reduced, with trees will obscuring the view of the buildings.

Paragraph 78 in the report referred to the proposed development having no direct links into the centre of Howden-le-Wear, yet this applied to many streets in the village. Paragraphs 96 and 97 of the report referred again to the design of the proposed buildings being poor, yet they had a high degree of resemblance to the local village pattern.

Referring to public transport, Mr Twyman informed the Committee that Howden-le-Wear was a village in a rural location and as such many residents chose to walk rather than use a bus.

The proposed development would have low pitched roofs, the properties were not over embellished and reflected the local build vernacular. Existing trees and ecology would be protected.

Mr Twyman asked the Committee to approve the application.

Councillor Jewell informed the Committee that the application was unusual in that it was two separate developments on two different sites. The development would encroach onto open countryside and was not fully sustainable and appeared to be a development within a community without support from the community. He considered it would have a negative effect on the area as a whole and **moved** that the application be refused.

Councillor P Taylor praised the representations put forward by the local Member and local resident. The concerns of local residents were massive and the application was a poor and unacceptable development on green and agricultural land. It was a fragmented development which was away from the community and Councillor Taylor **seconded** refusal of the application.

Upon a vote being taken it was

Resolved:

That the application be refused for the reasons contained in the report.

c DM/16/02335/FPA - Philips Components Ltd, Belmont Industrial Estate, Belmont, Durham

The Committee considered a report of the Senior Planning Officer regarding an application for a distribution centre with associated vehicular and pedestrian access, car parking and landscaping, and erection of 4 units (blocks 1, 6, 8 and 9) for mixed industrial and storage use at Philips Components Ltd, Belmont Industrial Estate, Belmont, Durham (for copy see file of Minutes).

G Blakey, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and setting and proposed site plan.

In **moving** approval of the application, Councillor Conway informed the Committee that he could understand the objections made regarding traffic movement. Investment was needed in the roads on this Industrial Estate and this development would increase traffic movements. The Industrial Estate needed direct access onto Junction 62 of the A1(M) and Councillor Conway asked that this be included in the new County Durham Plan.

Councillor Nicholson **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the following:

- i) £15,000 in lieu of on-site provision of Durham Biodiversity Action Plan grassland habitat.

and subject to the conditions contained in the report.

6 Appeals Update

The Committee received an update from S France, Senior Planning Officer, on an appeal against the refusal of planning permission for Retrospective change of use of land to leisure use including motor sport (sui generis), incorporating ancillary operational development (DM/15/02137/FPA) on land to the South of Quickburn Quarry and Drover House Lane, Satley (for copy see file of Minutes).

The report confirmed that the Appeal had been dismissed by the Planning Inspectorate.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	1) DM/16/01937/MIN & 2) DM/16/01943/VOCMW
FULL APPLICATION DESCRIPTION:	1. Eastern extension to Kilmondwood Quarry for the winning and working of 5 million tonnes of Carboniferous limestone and the importation of 192,000 cubic metres of inert materials, with restoration to broadleaved woodland, low nutrient grassland, calcareous grassland, hedgerow and natural regeneration on exposed limestone over 26 years and 6 months
NAME OF APPLICANT:	2. Variation to Planning Permission No. 8/PRA/2013/6/1 to allow eastern extension to quarry Kearton Farms Ltd
ADDRESS:	Kilmondwood Quarry, Boldron
ELECTORAL DIVISION:	Barnard Castle West Chris Shields
CASE OFFICER:	Senior Planning Officer Tel. 03000 261 394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. Kilmondwood Quarry is a carboniferous limestone quarry located approximately 4.5km south-west of Barnard Castle and 3km east of Bowes. The nearest settlement to the quarry is the village of Boldron, which lies approximately 1.5km to the north west of the site. The site occupies an area of 15.5ha. The quarry occupies part of an east-west trending limestone escarpment, the southern part of which forms a limestone scar (Kilmond Scar). The topography of the area generally rises from north to south, reaching a maximum elevation of 311m AOD immediately to the south-east of the quarry. The topography also falls away at the eastern and western ends of the escarpment. The landscape is essentially rural in character with little urban or industrial development and generally broad in scale with panoramic views across the vale and west into Teesdale.
2. There are several Public Rights of Way within the vicinity of Kilmondwood Quarry. The nearest is Footpath No.11 (Bowes Parish) which is routed along the top of Kilmond Scar and runs adjacent to the southern boundary of the site. Footpath No's. 5 and 6 (Bowes Parish and Bridleway No. 7 (Bowes Parish) are located to the north of the A66 road and Kilmondwood Quarry.

3. The site itself is not located within any ecological designations, however, Kilmond Scar Site of Special Scientific Interest (SSSI) is located to the south and east of the existing quarry void. The site is located within an Area of High Landscape Value (AHLV) as identified in the Teesdale Local Plan. The North Pennines Area of Outstanding Natural Beauty (AONB) is located approximately 1.5km to the south of the site. There are no listed buildings or heritage assets within, or within the vicinity of the site.
4. Mineral extraction at Kilmondwood Quarry predates the modern planning system and the first planning permission was issued in 1948. The site is broadly rectangular in shape with the A66 and Kilmond Scar creating fixed boundaries to the north and south, respectively. The site has been extensively worked on the eastern side with progressive restoration having been carried out on the southern quarry faces. Limited works have been progressed on the western side with extraction operations currently being focused upon the central area of the site where there is visual evidence of historic quarrying activity on the outer slopes of the northern site boundary. The limestone deposit on the escarpment is relatively shallow, extending to a maximum depth of 20m.
5. The site has several buildings for use as office, weighbridge control and welfare facilities located close to the site access along with the weighbridge itself. The site employs mobile plant, including crusher and screen, to process extracted mineral within the quarry. Processed mineral is sorted by grade and stockpiled on the quarry floor in the eastern side of the site.
6. The site is accessed directly from the westbound carriageway of the A66 road to the north of the site. A gap in the central reservation permits access from the eastbound carriageway. There is a historic access point further to the east, which has been made redundant by the progress of mineral extraction. The main access into the site is shared by several residential properties, farms and businesses that are served by an access track that runs around the western edge of the site. The nearest residential properties are Bowes Cross Farm approximately 55m to the west and Kilmond Cottage approximately 105m to the east. The next nearest properties are Jock House 500m to the south west, Kilmondwood Farm 50m to the east and South Flatts 270m to the east.

The proposals

7. Two planning applications have been submitted for determination. The first (site area 20.7 hectares) seeks permission for an extension to Kilmondwood Quarry for mineral extraction. The second application seeks to vary the existing planning permission in relation to the working and restoration of the site in order to accommodate the proposed extension to the quarry. The applications require considering together as they are interlinked.

Proposed Extension

8. An eastern extension to the existing Kilmondwood Quarry is proposed that would allow for the extraction of 5 million tonnes of Carboniferous limestone. Extraction would take 26 years at a rate of approximately 190,000 tonnes per annum. The site would be restored to a nature conservation end use, facilitated by the importation of approximately 192,000 tonnes of topsoil to create sloped embankments against the worked faces.

Proposed scheme of working

9. Site preparatory works involving advance tree and shrub planting on the northern and eastern boundaries, secure fencing of the perimeter for each phase of working using post and wire fencing. To facilitate the proposed extension Kilmond Cottage and Six Chimneys Farm would be demolished during Phase 1 of the development as these properties are both within first 150m of the proposed extension. This would be agreed through the working method plan for this phase. Prior to demolition electrical, telecommunication and water supply lines to the properties would be moved to the northern boundary of the extension proposed site and the electrical supply for the telecommunications mast would be moved to the southern boundary of the site. Long term access to the telecommunications mast would be through Kilmondwood Quarry, subject to agreement of the apparatus operators.
10. The proposed extension would be worked progressively east in 3 phases with access through the existing site. Phase 1 would be worked for approximately eight years, Phase 2 for the next eight years and Phase 3 for the remaining nine years. The limestone from the quarry would continue to be worked by blasting the rock face to fracture material that can then be extracted using excavators. The fractured material would then be transported to the mobile processing plant to be crushed and screened into graded aggregates. The graded aggregates would then be stockpiled ready for loading into road lorries by hydraulic loading shovel.
11. The phasing has been designed in such a way so as to allow the site to be worked in a logical way, continuing on from the existing site at a point where access to the extension would be direct.

Soil stripping and storage

12. The relatively shallow depth of soils on this area of escarpment have shown there to be no material difference between overburden and subsoil and it is therefore proposed that this material is stripped and stored as a single entity. Soils would be stripped in sequential strips using an excavator with a flat bladed bucket, in accordance with the MAFF Soil Handling Guide. Stripping would be carried out during the period of April to October 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. Soils would only be handled outside of this period with the prior approval of the Mineral Planning Authority.
13. Soils would be stored in four screening mounds on the northern site boundary of the proposed extension corresponding with the phase of working. One mound S1 would be constructed during Phase 1, two during phase 3 (split due to landscape features) and the fourth during phase 3. The mounds would all be approximately 3m in height and would be seeded to minimise erosion with the northern side planted with trees and shrubs in the first planting season following their formation to aid screening.

Working hours

14. The proposed working hours at the quarry would be the same as the existing site with mineral extraction operations restricted to 07:00 to 19:00 Monday to Friday and 07:00 to 17:00 on Saturdays. Operations for the formation and subsequent removal of material from topsoil and overburden/subsoil storage mounds from above the crest of the quarry would be restricted to 08:00 to 19:00 Monday to Friday and 0800 to 1300 on Saturdays. Blasting would be restricted to 10:00 to 16:00 Monday to Friday. With the exception of pumping and in cases of emergency, no operations would place outside these hours or at any time on Sundays or Bank, or other public holidays.

Traffic and access

15. There is one access into the quarry and this is directly from the westbound carriageway of the A66 road. A gap in the central reservation permits access from the eastbound carriageway. This access would continue to be used.
16. The main access into the site is shared by several residential properties, farms and businesses that are served by an access track that runs around the western edge of the site. The proposal has been designed so that this access is protected throughout the site development.

Restoration

17. Planning permission exists for mineral extraction in the existing quarry until 2042 although the demand driven nature of the site may mean that restoration is completed earlier than this. It is proposed that the extension would also be worked and restored within this time period. The restoration of the site as a whole would focus upon biodiversity enhancement through the natural regeneration of the majority of the site, including the quarry floor and exposed sections of the quarry faces, with a resultant habitat that would encourage the development of calcareous grassland.
18. The southern face of the existing quarry has already seen progressive restoration with embankments created to provide a grassed slope that has reduced the height of the exposed faces. The proposed importation of clean top soil would allow this restoration to be continued through the extension area on both the northern and southern sides to create slopes with a small exposures of the worked face left at heights of between 1m and 4m. The embankments would have a slope angle no greater than 1:3 and would be formed using a combination of soils native to the site and those imported. The top 300mm of the embankments would be blended with limestone dust to achieve appropriate conditions for establishment of calcareous grassland.

Aftercare

19. Following the final placement of soils, the site would enter a 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.

Variation of condition application

20. The proposed eastern extension to Kilmondwood Quarry, due to its location, is dependent upon the existing site for access both from the road and internally to the working face. The planning permission for the existing site has an approved working and restoration strategy that would need to be altered to allow access and continued working of the proposed extension area.
21. The proposed variation application seeks to amend conditions 1 of Planning Permission 8/PRA/2013/6/1.
22. The amendments to the approved plans would allow the existing quarry to be worked progressively east and for continued access for the extension area from the existing site entrance, office and weighbridge. Existing conditions relating to environmental

protection including hours of operation and mitigation for noise, vibration and dust would all remain in place.

23. Both applications are accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES and amended details and that arising from statutory consultations and other responses.
24. The extension application is being reported to the County Planning Committee because it involves major minerals development. The variation application is being reported to the County Planning Committee because it is related to the minerals development.

PLANNING HISTORY

25. Kilmondwood Quarry predates the modern planning system with the first planning permission being issued in 1948 under reference 1/3/10 for quarrying of limestone. A subsequent planning permission was issued in 1953 under reference 1/3/199 for an eastern extension to the quarry. Planning permissions were issued in 1992 for a concrete batching plant under reference 6/92/364CM and for the disposal of controlled inert waste material under reference 6/92/372CM.
26. The site was reviewed under the Environment Act in 2016 with an application for the determination of new planning conditions for working and restoration relating to Planning Permission Nos 1/3/10 & 1/3/199 (issued on 29 September 1948 & 27 May 1953) as reviewed under MRA/6/1 with new working conditions issued under reference 8/PRA/2013/6/1 in April 2016.
27. Planning permission was also granted in 2016 for the importation of 85,000 tonnes of topsoil and the infilling of a former quarry void on the northern edge of the site under references DM/15/00133/MIN and DM/15/00134/MIN respectively.

PLANNING POLICY

NATIONAL POLICY

28. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
29. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
30. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
31. The following elements of the NPPF are considered relevant to this proposal.

32. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.
33. *NPPF Part 3 – Supporting a Prosperous Rural Economy.* States that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the development and diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
34. *NPPF Part 4 – Promoting Sustainable Transport.* States that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
35. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
36. *NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
37. *NPPF Part 11 – Conserving and Enhancing the Natural Environment –* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land. Part 11 states that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes

38. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
39. *NPPF Part 13 – 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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (NPPF)

40. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters. Of particular relevance to this development proposal 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 and the review of minerals planning conditions.

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

LOCAL PLAN POLICY:

COUNTY DURHAM MINERALS LOCAL PLAN (DECEMBER 2000) [MLP] POLICY:

41. *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.
42. *M3 – Extensions to mineral workings* – specifies that extensions to mineral workings will be allowed under allocations made in specific policies and subject to specific criteria set out in a number of policies including M23 (Areas of High Landscape Value). Additionally, extensions to existing workings will be permitted provided that, they meet a number of criteria including that they do not have a material impact upon landscape, ecology and other features of nature conservation interest and will have no other significant adverse impacts.
43. *Policy M22 – Areas of Outstanding Natural Beauty* – seeks to restrict mineral development within or adjacent to the North Pennines AONB except in exceptional circumstances and where one or more of a number of criteria apply including, it is an extension to an existing mineral working (in accordance with Policy M3).

44. *Policy M23 – Areas of High Landscape Value* – States that proposals for mineral working in Areas of High Landscape Value will be given the most careful consideration. Proposals will only be allowed where the environmental impact on the special character and quality of the landscape is acceptable, or can be made so by planning conditions or obligations and, in the case of non-energy minerals, there is a need for the mineral which cannot be met from alternative sites or sources elsewhere or it is an extension to an existing mineral working (in accordance with Policy M3)..
45. *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.
46. *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.
47. *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.
48. *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.
49. *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.
50. *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.
51. *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.
52. *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.
53. *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.

54. *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
55. *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
56. *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.
57. *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.
58. *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.
59. *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.
60. *Policy M47 – After uses* – provides advice in relation to proposals for the after use of mineral sites.
61. *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.
62. *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.

TEESDALE LOCAL PLAN (2002) [TLP] POLICY:

63. *Policy ENV3 - Development Within Or Adjacent To An Area Of High Landscape Value* – Seeks to ensure that development does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals.

EMERGING POLICY:

The County Durham Plan (CDP)

64. Paragraph 216 of the NPPF says 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. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (link to webpage)
(<http://www.durham.gov.uk/article/3274/Minerals-Local-Plan> (County Durham Minerals Local Plan),
<http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan> (Teesdale Local Plan))

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

65. *Highways Authority* – It is not considered there will be any material impact on the Council's highway network
66. *Natural England* – has raised no objections to the development but has requested conditions be imposed relating planting, management of the quarry floor once calcareous grassland is established and submission of a plan showing that a suitable buffer between the SSSI and the extension area will be maintained. It is noted that the application is in close proximity to the Kilmond Scarr Site of Special Scientific Interest (SSSI). NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. NE therefore advises that this SSSI does not represent a constraint in determining this application. Other general advice is provided regarding matters which NE would expect the local planning authority to assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity), local landscape character, and local or national biodiversity priority habitats and species. General advice is given in relation to protected species and biodiversity enhancements. It is suggested that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.
67. *Environment Agency* – has raised no objections to the proposals but has requested conditions be imposed to prevent dewatering and interruptions to ground or surface water flows and provided advice in relation to risks to groundwater that would be passed on to the applicant.
68. *Drainage & Coastal Protection* – There does not appear to be a flood risk developing due to the proposal, however, as mentioned within the FRA, during prolonged periods of inclement weather up to and after restoration, any build-up of surface water must be prevented from leaving the site.

69. *Bowes Parish Council* – has not objected to the proposal but has requested that the development be reduced to extraction of 2.5 million tonnes over a 10 year period stating that many Local Authorities have a policy of limiting the the working time for mineral applications in order to take account of ongoing and possible future legislation which they cannot anticipate at the present time. Though not strictly a planning issue, a 20 year reserve would make the operation more attractive to sell as a going concern which could result in a further application to increase production rates, with increased traffic flows etc.

INTERNAL CONSULTEE RESPONSES:

70. *Spatial Policy* – There is currently an additional need for further carboniferous limestone working in County Durham. The County Durham Minerals and Waste Technical Paper (2016) identifies that 8.3 million tonnes of carboniferous limestone needs to be permitted to meet identified need to 2033 with a further 9 million tonnes to meet longer term need post 2033. Without additional permitted reserves of carboniferous limestone, County Durham's quarries will not be able to continue to maintain a steady and adequate supply of this type of crushed rock beyond the medium term. The proposed eastern extension to Kilmondwood Quarry constitutes one possible long term source for future supply and will need to be carefully considered to ensure that the environmental and amenity impacts of the proposed mineral extraction are acceptable and do not conflict with saved Mineral Local Plan Policies, in particular policies M3 (Extensions) and M23 (Areas of High Landscape Value). In determining the planning application the Council should also take into account the advice set out within the NPPF and PPG as a material consideration, in particular paragraph 144 of the NPPF and paragraph 10 (minerals) of the PPG relating to extensions.
71. *Environmental Health and Consumer Protection (noise and dust)* – has raised no objections in relation to the potential of the developments to cause a statutory nuisance. Following discussion with neighboring residents officers requested that additional noise and dust monitoring be carried out at South Flatts.
72. *Ecology* – has raised no objections. The ecological assessments/surveys provided in support of the application are adequate to support the application and indicate no immediate concerns over loss of biodiversity, protected species and protected habitats. However given the duration of working of the quarry, if granted planning permission, then further surveys will be required at regular intervals to provide updates and assess any changes within the biodiversity resource. Concerns are raised in relation to the importation of soils for restoration and preference is given towards using material from the site as an alternative.
73. *Landscape* – has raised no objections to the proposals but advises that there would be localised harm to the Area of High Landscape Value and views from the A66 Road and Footpath No.11 (Bowes Parish) would be altered at close quarters. More distant views, including those from the AONB would be less affected due to the proposed screening mounds and proposed tree screening.
74. *Access and Rights of Way* – has raised no objections stating that Public Footpath No.11 (Bowes Parish) would not be affected by the proposals and agree with the audible warnings and stationing of lookouts when blasting. The definitive line of public footpath No. 11 should remain unobstructed by any approved development on the site. Given the proposal I would expect a minimum width of at least 2m left for the path line between any fencing. All existing stiles/field boundaries should be taken out and a clear path line left throughout the extension where it runs adjacent to the extraction

area. This can be done in conjunction with the extraction phases. I note that the new electrical supply for the telecommunications mast would run along the southern boundary of the site after year 8. As this is the location of Footpath 11, clarification of its position and any impact upon the footpath is needed.

75. AONB Partnership - The site lies over 1km from the AONB boundary in a North easterly direction. The application recognises the proximity of the AONB and considers visual impact in the accompanying documents. I make these comments solely with reference to the designated landscape. The application predicts that the Kilmond scars and woodland will largely screen the proposed extension from any obvious receptor sites within the AONB and we request that this assumption is confirmed and a commitment to maintain screening is assured should permission be granted. The distance from the AONB and the adjacent A66 and Hulands Quarry will be material in assessing any potential for noise issues relative to the protected landscape. We would seek assurances that the development would not see an increase in artificial lighting on the site and should there be any current light spillage, that this is considered and addressed as part of any potential permission.
76. *Design and Conservation* – has raised no objections to the proposals stating that there are no relevant heritage and design issues. The site contains no known designated heritage assets. The supporting environmental statement addresses the impact on the built heritage with specific reference to designated and non-designated assets and is based on a sound methodology following acknowledged guidance. Notwithstanding this there appears to be an omission of the consideration of conservation areas in the 5km search area which do not appear in the impact assessment. The inclusion of such assets is unlikely to change the outcomes, however, for completeness and in accordance with the guidance of Section 12 of the NPPF these should be included.
77. Subject to the conclusions reached following this process and any suggested mitigation it is likely that no heritage related objection will be forthcoming and no specific conditions will be requested. Whilst consideration was given to recording of the structures to be lost the justification for this is not considered strong given the buildings in question. If the applicant is agreeable to such an approach for record then this would be welcomed but is not considered essential for the determination of the application.
78. *Archaeology* – has raised no objections to the development subject to conditions requiring trial trenching to be carried out across the site in advance of each phase of working.

PUBLIC RESPONSES:

79. 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. One letter of objection has been received from a neighbouring resident who has identified that within their household at South Flatts (located to the east of the site) is a person suffering from respiratory issues. The objection relates primarily to noise and dust but also landscape impact. The objection states that the noise assessment has not gathered sufficient data to be relied upon and no data at all has been collected from South Flatts. The objection suggests that further investigation should be carried out prior to the application being determined rather than relying upon enforcement if there is a problem. The second issue is that of screening the eastern boundary of the extension. The objection states that the 15m tree screening plantation on the eastern edge of the proposed extension would not be sufficient to protect their amenity from noise and dust and that a greater standoff is required. A minimum standoff of 250m from Kilmondwood Farm has been requested but the objector also

supports the request by Bowes Parish Council to reduce the scheme by half. In this respect the objector has stated that the standoff provisions set out in Policy M37 of the Minerals Local Plan should be adhered to. In terms of landscaping the objector considers that the scheme does not protect or enhance the character of the country side and has requested additional landscaping and planting.

APPLICANTS STATEMENT:

80. Kearnton Farm's Limited propose an eastward extension to Kilmondwood Quarry for the winning and working of 5 million tonnes of Carboniferous limestone and the importation of 192,000 cubic metres of topsoil to form landscape embankments against the worked quarry faces, with restoration to broadleaved woodland, low nutrient grassland, calcareous grassland, hedgerow and natural regeneration over 26 years and 6 months (including limestone extraction over a 25 year period). The restoration and aftercare proposals for the Extension Scheme have been designed to achieve the creation of habitat and species biodiversity appropriate to the locality and a long term landscape that can be managed in a sustainable manner.
81. The Extension Scheme has been assessed in relation to a comprehensive range of environmental matters as detailed in an environmental statement involving: landscape and visual impact, noise, historic environment, ecology and nature conservation, hydrology, hydrogeology, air quality and dust, agricultural land use and soils, transport and access, stability, blasting and vibration, socio-economic matters and cumulative effects. In this respect, it is concluded that the Extension Scheme would be environmentally acceptable, including the potential for cumulative impacts, subject to planning conditions.
82. The many benefits of the Extension Scheme are summarised as follows:
 - the extraction of 5 million tonnes of indigenous Carboniferous limestone to supply markets including the construction, industrial and agricultural sectors;
 - the provision of 8 full time jobs (4 existing and 4 new posts) for the duration of the Extension Scheme with the payment of approximately £5.9 million in salaries over the life of the site;
 - the provision of opportunities for businesses, including local companies, to supply goods and services throughout the Extension Scheme;
 - the restoration and aftercare scheme with ecological and biodiversity benefits including: 1.2 hectare of new native broadleaved woodland along the north and east boundaries of the Extension Site; 0.3 hectares of new low nutrient grassland; 6.5 hectares of new calcareous grassland on landscape embankments; and 10.6 hectares of new exposed limestone on the quarry floor, along with quarry faces, for natural regeneration.
83. It is considered that great weight should be attached to the benefits that would flow from the Extension Scheme, which would clearly help achieve economic growth and outweigh the likely impacts.
84. It is concluded that the Extension Scheme comprises sustainable development which accords with the development plan and other material planning considerations including the NPPF. In this respect, Kearnton Farms Limited would request that permission is granted for the Extension Scheme and the related revisions to the Periodic Review conditions.

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:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

85. 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, the effects of the development on residential amenity (including noise, dust and blasting), landscape and visual impact, biodiversity interests, access and traffic, public rights of way, hydrology, agriculture and soils, cultural heritage and cumulative impact.

Principle of the development

Extension proposal

86. Carboniferous limestone is a valuable resource it exists in West Durham and outcrops fairly continuously along the sides of Weardale above Frosterley. In Teesdale, glacial drift deposits restricts its outcrop to localised pockets around Middleton in Teesdale and to the south of Barnard Castle around Boldron, as is the case for Kilmondwood. It is harder and more durable than magnesian limestone and resists weathering and can be used in situations where it is frequently exposed to precipitation and freezing. Accordingly, it is predominantly used for such things as road building and maintenance and concrete manufacture.
87. The proposals would enable 5 million tonnes of carboniferous limestone to be extracted from the proposed extension area. MLP Policy M1 states that for the County as a whole landbanks of permitted reserves will be maintained throughout the plan period. A ten year landbank for crushed rock is specified which is in accordance with the landbank period for crushed rock set out in Paragraph 145 of the NPPF. In terms of the current extent of the landbank, up to date evidence set out within the Joint Local Aggregate Assessment (Joint LAA) for County Durham, Northumberland and Tyne and Wear (2016) indicates that 138,345,498 tonnes of permitted reserves, equivalent to a landbank of 43.3 years was in place in County Durham's quarries on 31 December 2014.
88. Despite the large crushed rock landbank, there is a potential shortfall in permitted reserves of carboniferous limestone. The County Durham Minerals and Waste Technical Paper (June 2016) indicates that based on current information a further 8.3 million tonnes of carboniferous limestone would be required to maintain sales to 2033 with a further 9 million tonnes of mineral being required beyond 2033. On this basis there is a quantified need for additional carboniferous limestone working. The grant of planning permission to extend Kilmondwood Quarry would meet more than half the quantified additional need for carboniferous limestone to 2033. In addition, with a proposed extraction rate of 200,000 tonnes (maximum 400,000 tonnes) the extension would allow Kilmondwood Quarry to make an important long-term contribution to the supply of this mineral and the steady and adequate supply of aggregates from County Durham. The proposed development does not conflict with MLP Policy M1 and will contribute to meeting an identified need for carboniferous limestone.
89. MLP Policy M3 states that extensions to mineral workings will be allowed under the allocations made within the Minerals Local Plan and under the criteria set out in a number of policies including Policy M23. With regard to these specified policies, only Policy M23 which relates to Areas of High Landscape Value is relevant. Policy M3 also states that additionally extensions will be permitted provided that it meets certain

criteria. In relation to the applicable criteria, criteria (a) states, will not lead to any material requirement for increased plant capacity or road traffic; criterion (c) states, do not have a material impact upon the landscape, ecology and other features of nature conservation importance; and criterion (d) states, will have no other significant additional adverse impacts. The proposal would make use of the existing plant, infrastructure and access to the site and would continue to work at a comparable manner to the existing permission so that vehicle movements, although not restricted, would not significantly increase. Paragraph 010 of the PPG sets out criteria for where it would be preferential to have an extension to an existing quarry including need for a specific mineral, economic issues such as job retention and use of existing facilities, environmental impacts and cumulative impact. As considered later in this report, environmental impacts of the proposal have been considered and found to be acceptable or can be made acceptable with the imposition of suitably worded conditions. The site would continue to provide carboniferous limestone and maintain jobs. It is therefore considered that the proposal would accord with MLP Policy M3, Paragraph 144 of the NPPF in respect of the benefits of mineral extraction and Paragraph 010 of the PPG. MLP Policy M3 is considered to be consistent with the NPPF.

90. 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.

Variation of condition application

91. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
92. In considering an application for a change to a planning permission under S73, the Development Plan and any material considerations under Section 38(6) of the Planning and Compulsory Purchase Act are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
93. The principle of mineral extraction exists at the site and the current application seeks to vary conditions to facilitate an extension to the site. The principle of the extension is considered below.

Residential Amenity

94. Kilmondwood Quarry lies approximately 1.5km to the south east of the village of Boldron with the A66 road intervening. The area around the quarry is sparsely populated with the nearest properties being Bowes Cross Farm approximately 55m to the west and Kilmond Cottage approximately 105m to the east, although it is of note that Kilmond Cottage would be demolished as part of the extension proposal. The

next nearest properties are Jock House 500m to the south west, Kilmondwood Farm 50m to the east (in the ownership of the quarry operator) and South Flatts 270m to the east. MLP Policy M37 seeks to restrict quarrying activities that are within 250m (500m for blasting) of a group of 10 or more properties, however, in the case of Kilmondwood there are no groups of properties within 250m or 500m of the site and therefore there is no conflict with this Policy. An objector to the proposal asserts that there are 12 properties within 500m of the site as a whole (including the original quarry), however, the nearest group of properties is the village of Boldron 600m to the north of the site.

95. The principal effects of working on residential amenity would be in respect to noise, dust and blasting. The proposed extension would involve the demolition of Kilmond Cottage and Six Chimneys Farm during Phase 1 therefore the amenity of these properties is not considered. The objector to the proposal states that the nearest properties to the proposed extension are approximately 100m to the east of the site at Kilmondwood Farm and that these are too close to the proposed workings. Although these properties are owned by the applicant they have been assessed in terms of impacts from noise, dust and blasting and considered below.
96. The conditions attached to the existing quarry permission have been subject to a recent review application and therefore considered to be of a modern standard and would be maintained and updated where necessary. MLP Policy M36 seeks to protect residential amenity from the effects of mineral development. In the case of Kilmondwood Quarry there are a limited number of properties within close proximity to 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

97. Government guidance (as contained in the PPG, which reaffirms advice contained in the now withdrawn Technical Guidance to the NPPF) 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.
98. The PPG 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. PPG 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.

99. The proposal to import soils for restoration purposes to the site would involve the backhaul of vehicles already travelling to the site and would therefore integrate into normal working and would not create additional noise. Operations to infill the former quarry and grade the northern screening mound may cause a degree of additional noise but this would be covered with short term operations exception as detailed below.
100. The applicant has submitted a noise action plan in support of the application that includes a noise monitoring protocol and mitigation measures. The noise assessment has provided background noise levels for East Roods (55dB(A) L_{Aeq} 1h), Kilmondwood Farm (50dB(A) L_{Aeq} 1h), Jock House 48dB(A) L_{Aeq} 1h) and West Roods (49dB(A) L_{Aeq} 1h). Based on the plant to be used and working methods the assessment has predicted that worst case noise levels for routine operations would be 51dB(A) L_{Aeq} 1h at East Roods during Phase 3, 52dB(A) L_{Aeq} 1h at Kilmondwood Farm during Phase 3, 40dB(A) L_{Aeq} 1h at Jock House during Phase 1 and 51dB(A) L_{Aeq} 1h at West Roods during Phase 2. This demonstrates that for routine operations the maximum predicted increase noise levels from routine operations would be 2dB(A) and all within 55dB(A) L_{Aeq} 1h. The predicted worst case noise levels would be 42dB(A) L_{Aeq} 1h at East Roods, 37dB(A) L_{Aeq} 1h at Kilmondwood Farm, 33dB(A) L_{Aeq} 1h at Jock House and 53dB(A) L_{Aeq} 1h at West Roods. The predicted levels for short term operations would therefore be well within the recommended limit of 70dB(A) L_{Aeq} 1h.
101. The Planning Practice Guidance does not provide guidance on appropriate noise levels for recreation areas. Previous Government Guidance (MPG11) recommended a noise level of 65dB L_{eq} ,1hr during the working day. The submitted noise assessment does not assess noise levels on the footpaths around the site but it is likely that the noise levels would be below this level. Given there is no limit specified in the NPPG and measures would be put in place to mitigate noise levels from the site, it is not necessary for such an assessment to be undertaken. It is therefore considered that the impact of noise from the proposed development would not have an unacceptable impact upon the recreational value of the countryside, and the proposal would not conflict with MLP Policy M35.
102. Environmental Health officers have considered the assessment to be acceptable and with the noise control measures proposed have raised no objections. Conditions will ensure that mitigation measures are in place, noise levels set and regular monitoring carried out. 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 Paragraphs 123 and 144 of the NPPF.

Air Quality and dust

103. 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 PPG 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, identify site parameters that may increase potential impacts.
104. An air quality and dust assessment has been carried out as part of the scheme and submitted in support of the applications. 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.

105. The assessment concludes that without the use of mitigation measures it is predicted that dust effects could occur at sensitive receptors within the vicinity of the site, however, due to the distances from working areas and properties most of the dust would be deposited naturally before becoming an issue. In order to mitigate the dust effects and dust action plan has been submitted which details mitigation measures such as dust suppression, soil mound seeding, reduced drop heights, sheeting of vehicles and internal haul road speed limits. The dust action plan also provides a scheme for dust monitoring.
106. Environment, Health & Consumer Protection officers have considered the submitted assessment, proposed dust control measures and have raised no objections. The objection from South Flatts. 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 Paragraphs 123 and 144 of the NPPF.

Blasting

107. Blasting is an integral part of the way in which mineral is won from Kilmondwood Quarry. Blasts are dictated by demand for material but on average there would be 1 to 2 blasts per month based upon the current and predicted operational demand. Blasting would be carried out between the hours of 10:00 and 16:00 Monday to Friday and would be preceded by an audible with lookouts positioned at either end of Footpath No.11 (Bowes Parish).
108. The key policy considerations in relation to blasting are Paragraph 146 of the NPPF and MLP Policy M36 which requires the incorporation of suitable mitigation measures to prevent harm from vibration. In order to control the impacts of blasting limits are imposed on ground vibration levels measured by peak particle velocity (PPV). This would be controlled by a condition requiring 95% of blasts to have a PPV of no greater than 6mm/sec and all blasts to have a PPV no greater than 12mm/sec.
109. The applicant has submitted a procedure for blast monitoring as part of the application and has stated that in order to meet with the set levels control measures such as reducing the maximum instantaneous charge weight (MIC), timing delay, electronic detonators and effective stemming of blast holes would be employed.
110. Environmental Health officers have raised no objections to the proposed scheme and it is considered that through appropriate mitigation, there would not be an unacceptable amenity impact on users of the public footpath or residents. It is therefore considered that the proposal would comply with MLP Policy M36 and Paragraph 144 of the NPPF.

Residential amenity summary in relation to noise and dust

111. There is potential for some disturbance to the residents of neighbouring properties and to users of the local footpath network during mineral extraction and restoration works. In response to the concerns raised by the resident of South Flatts monitoring would take place prior to commencement of the extension and the data used to inform the noise and dust action plans required through condition. 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. The

proposed extension would therefore accord with MLP Policy M36 and with Paragraphs 123 and 144 of the NPPF and advice contained within the Planning Practice Guidance.

Landscape and visual impact

112. The site lies in the Pennine Dales Fringe National Character Area and Dales Fringe County Character Area. It lies in an area belonging to the Gritstone Vale Broad Landscape Type and within the Boldron and Lartington Broad Character Area. The proposals would lie within the existing void of Kilmond Wood quarry and land to the east, which are within an area identified as an Area of High Landscape Value in the Teesdale Local Plan. The North Pennines AONB lies around 1.25km to the south. Views into the site are limited with the working area completely obscured due to the depth below surrounding ground level and northern screening mound. The key view into the existing site is from the site access from the A66 where the site weighbridge, offices and welfare buildings can be seen but working areas remain obscured.
113. The proposed extension site is largely made up of open farmland with a relatively intact network of old limestone dry stone walls with scattered, locally abundant field trees. These dividing walls vary in condition from intact to derelict. The site also contains residential properties and farm buildings at Kilmond Cottage and Six Chimneys Farm. It is crossed by a shallow linear 19th Century quarry with low limestone faces set within the older field pattern at approximately of the development. It is bounded to the north by the A66, to the west by the existing Kilmond Wood Quarry, to the east by the farm buildings of Kilmond Wood in a deep cutting, and to the south by the wooded natural bluffs of Kilmond Scars
114. The site occupies an elevated position and is widely visible to the north, east and west, though generally in shallow views. It is largely screened in views to the south by the topography and vegetation of Kilmond Scars. It is visible at close quarters from public footpath Bowes No 11 which overlooks the site from higher ground as part of wide panoramic views. It is visible at close quarters from the adjacent section the A66 and partially visible in shallow views at greater distance to the west: it is not visible from the east. It is visible in places from the A67, and some footpaths in its vicinity, in shallow middle distance views. It is visible further afield in shallow distant views from a wide range of receptors across Deepdale and the valley of the Tees to the north, across the upland fringes and into the moorland ridges and plateau of the North Pennines from where it is visible in wide panoramic views from high ground.
115. Landscape officers have considered the proposals and concluded that there would be no significant adverse effects on landscape character or upon the special qualities of the AHLV or North Pennines AONB, particularly from distant views where the visual effects would be of a low magnitude. However, officers have advised that there would be a degree of localised harm to the special character and quality of the AHLV with open views from the adjacent section of the A66 lost over time and changes to the views from Footpath No. 11 (Bowes Parish) to the south. The AONB Partnership have also raised no objections subject to lighting be kept within the quarry void. The proposals, including importation of topsoil, would facilitate the restoration of the southern faces of the quarry in the west to a more 'naturalistic' appearance than would otherwise be the case if restored to something closer to a production face, but would not be visible elsewhere in wider views and there would be no significant adverse visual effects. Tipping and grading operations would not be widely visible and where they were visible, such as in views from the A66, would be seen in the context of views into an operational quarry. Although there would be visual changes to the local landscape it is considered that the harm would be minimal, diminished further by the gradual nature of phased aggregate working and outweighed by the benefits of the

scheme in terms of mineral production and local employment. Although Ecology officers would prefer there to be no importation of soils for restoration this is considered necessary for creating a safe and visually acceptable site once mineral extraction is complete. It is therefore considered that the proposal would accord with MLP Policies M22, M23 and M24, TLP Policy ENV3 and Paragraph 144 and Part 11 of the NPPF. Policies M22 and M24 are considered to be consistent with the NPPF while policy M23 is considered to be partially consistent as the NPPF does not recommend local landscape designations, however, this is more relevant for the plan process rather than decision making.

Biodiversity interests

116. The presence of protected species under the Wildlife and Countryside Act 1981 and under the Conservation of Habitats and Species Regulations 2010 (as amended) is a material planning consideration. The Habitats Directive which is implemented by the 2010 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. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England.
117. An Ecological Assessment have been submitted in support of the applications. The assessment sets out the relevant policy and legislation in relation to protected species; a desk based assessment, Phase 1 habitat and protected species assessment. The assessment identified that the most botanically interesting and valuable grasslands are the species rich area located in the base of the former quarry and the calcareous grasslands on rocky ledges and around standing water in the western part of the quarry. The remainder of the grassland at the site is of lower ecological importance.
118. The assessment identifies that the breeding bird assemblage on the proposed extension area comprises 10 species, the majority of which are common and widespread i.e. Blackbird, blue tit, chaffinch, wren, jackdaw. In terms of species whose populations are in decline; oystercatcher, curlew, meadow pipit and barn swallow are more interesting records, these species being listed on the Amber List of Birds of Conservation Concern. Two species listed on the Red List of Birds of High Conservation are also breeding, these being song thrush and lapwing. There is very limited activity at the site in relation to bats with no emergence from cracks in the working faces, possibly due to the regular disturbance from quarrying activities.
119. The assessment did not identify the presence of any reptiles and despite their recorded presence in the area, the site itself is not considered to be of high value for this species group. Whilst some of the habitats on site are considered suitable, the large expanse of much more suitable habitat in the locality i.e. moorland suggests that these habitats are likely to be used in preference to those on the site.
120. Although not within the site, Kilmond Scar SSSI is located directly to the south of the quarry. Natural England has considered the proposal and has raised no objection provided there is an adequate stand off distance adhered to in order to prevent

damage to the exposed rock faces that give the designation part of its special characteristics.

121. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. In this respect an ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. Officers concur with this. Accordingly, as there would not be a disturbance to any protected species, it is not necessary for the LPA to apply the derogation tests as an EPS licence will not be required.
122. 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. Ecology officers and Natural England have considered the proposed scheme and agree with the mitigation strategy identified within the Ecological Assessment. It is therefore considered that both proposals would accord with MLP Policy M29 and Paragraphs 109, 118 and 144 of the NPPF. MLP Policy M29 is considered to be consistent with the NPPF and can therefore be afforded appropriate weight.

Access and traffic

123. A Transport Assessment (TA) has been submitted as part of the ES in support of the application. The assessment sets out that with an average annual extraction rate of 200,000 tonnes there would be a daily trip generation of 86 vehicles (43 in, 43 out) made up of 70 HGV's and 16 cars. At peak production of 400,000 tonnes per annum daily trip generation would be 136 vehicles (68 in, 68 out) made up of 120 HGV's and 16 cars. The assessment indicates that increase in vehicle movements from the site as a result of the proposed extension would increase the daily vehicle movements on the A66 by a maximum of 1%. This is well within the guidance set out by the Institute of Environmental Management and Assessment, which states that an increase of less than 10% in traffic flow would have no discernible environmental impact. The TA therefore concludes that the proposals would have no adverse material impact on highway safety.
124. Paragraph 32 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. There are no Highways objections to the proposals from the Highways Authority. Highways England were consulted on both applications but did not respond. 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, vehicle movements and sheeting of HGV's are already in place and would be imposed on both the extension and existing quarry should planning permission be granted.
125. The proposed extension and variation to the existing quarry would accord with MLP Policies M36, M42 and M43. MLP Policy M42 is considered to be consistent with the NPPF and can therefore be afforded appropriate weight. MLP Policy M43 is only partially consistent with the NPPF as there is a slight conflict in the test that is used for legal agreements, under the CIL Regulations 2010. However, there are no legal agreements or other obligations proposed for this site and the conflict is not relevant to this case. The proposals are also considered to accord with Part 4 of the NPPF.

Public Rights of Way

126. There are several Public Rights of Way within the vicinity of Kilmondwood Quarry. The nearest is Footpath No.11 (Bowes Parish) which is routed along the top of Kilmond Scar and runs adjacent to the southern boundary of the site. Footpath No's. 5 and 6 (Bowes Parish) and Bridleway No. 7 (Bowes Parish) are located to the north of the A66 road and Kilmondwood Quarry.
127. The continued operation of the quarry and the proposed importation of soils and infill scheme would not impact upon any Public Rights of Way and, as detailed above, users of Footpath No.11 would be warned by site operatives if a blast is imminent. Access and Rights of Way officers have raised no objections to the proposals subject to a clear path of 2m width being available for users of Footpath No.11, which would be agreed through working method conditions. It is therefore considered that the proposals would accord with MLP Policy M35 (considered to be consistent with the NPPF and afforded appropriate weight) and NPPF Paragraphs 75 and 144.

Hydrology

128. 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 assessment concludes that the proposed development would accord with planning policies and would not impact upon ground or surface water quality.
129. The site is not within the vicinity of any controlled watercourses, or within Flood Risk Zones 2 or 3. The Environment Agency has considered the proposal and has not raised any concerns but has requested that conditions be imposed to prevent dewatering or interrupting ground or surface water flows. It is therefore considered that the proposal would accord with MLP Policy M38 and Part 10 of the NPPF. MLP Policy M38 is considered to be consistent with the NPPF and can therefore be afforded appropriate weight.

Cultural Heritage

130. There are no scheduled ancient monuments, conservation areas or listed buildings within the vicinity of Kilmondwood Quarry. The site contains no known designated heritage assets. The supporting ES addresses the impact on the built heritage with specific reference to designated and non-designated assets and is based on a sound methodology following acknowledged guidance. Design and Conservation officers have raised no objections to the proposed extension and variation to Kilmondwood Quarry. Archaeology officers have commented that there are potential archaeological features of unclear significance that have been identified by Geophysical Survey, which are at risk of complete loss. These are to be investigated further, by trial trenching, with mitigation appropriate to their significance then being implemented, including appropriate reporting. These measures are to be secured by condition. Subject to the imposition of the archaeology conditions it is considered the proposals would accord with MLP Policies M30, M31, M32 and M33 and would not conflict with Part 12 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

131. A soils and agriculture assessment is included in the ES. The assessment provides baseline data in relation to field units, soil characteristics, drainage and agricultural

land classification (ALC). The proposed extension area is comprised of 11 linear fields used for sheep and cattle grazing with a total area of 19.3ha. The ALC for the extension area is recorded as being Grade 4 with small areas recorded as Grade 5 due to the soil depth being less than 15cm. The assessment concludes that the proposed extension would result in the loss of 19.3 hectares of agricultural grassland, representing less than 0.2% of farmed land in County Durham. However, due to the low magnitude and low quality of the resource this is assessed as being of negligible significance.

132. The relatively slow working nature of aggregate quarries and the linear phasing scheme would mean that land not part of the current working area could remain in agriculture until required and there would therefore be a gradual rather than immediate loss of this resource. In addition there are no further soils to strip in the existing quarry area. Natural England has raised no objections to the proposed development. It is therefore considered that the proposed extension accords with MLP Policy M34 and Part 11 of the NPPF.

Cumulative Impact

133. Paragraph 144 of the NPPF, Paragraph 17 of the National Planning Practice Guidance and MLP Policy M45 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.

134. Kilmondwood Quarry is located in close proximity to Hulands Quarry, operated by Aggregate Industries, which is situated approximately 350m to the north west on the north side of the A66 Road. There are no other mineral workings in the vicinity other than relatively small scale sandstone quarries at Cat Castle and Stainton.

135. The cumulative impacts of 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, visual amenity, noise, dust, blasting, hydrology, geology, agriculture and soils, historic environment and traffic. The assessment concludes that the proposed extension to Kilmondwood Quarry would not result in an unacceptable cumulative impact.

136. 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 the 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 and concerning cumulative effects.

137. 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 proposals would accord with MLP Policy M45 and Paragraph 144 of the NPPF.

CONCLUSION

138. Kilmondwood Quarry is an established operational carboniferous limestone quarry with planning permission for extraction until 2042. The proposed extension would facilitate the future supply of 5 million tonnes of carboniferous limestone and would make a major contribution to meeting an identified need for further carboniferous limestone working over the forthcoming Plan period to 2033. The proposed extension would also contribute to the steady and adequate supply of crushed rock aggregate from County Durham and is not contrary to the requirement of Policy M1 to maintain a 10 year crushed rock landbank and is also consistent with the provisions of Paragraph 145 of the NPPF in this respect. The proposal would be an extension to an existing mineral site and would not conflict and would be compatible with the provisions of Policies M3, M22 and M23 of the County Durham Minerals Local Plan.
139. Whilst the proposal would cause a degree of localised harm to the AHLV it is considered that the benefits of the proposal. Having assessed the likely impacts of the proposed development it is considered 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.
140. The proposals have generated some public interest with a representation reflecting the issues and concerns of local residents affected by the proposed developments. Careful consideration was given to the concerns raised throughout the consultation process and these have been taken into account and addressed within the body of the report. Potential impacts on local amenity associated with matters such as noise, dust and visual impact, blasting and access and traffic matters can be controlled through the implementation of appropriate mitigation measures and planning conditions.

RECOMMENDATION

That the application for the proposed Eastern extension to Kilmondwood Quarry for the winning and working of 5 million tonnes of Carboniferous limestone and the importation of 192,000 cubic metres of inert materials, with restoration to broadleaved woodland, low nutrient grassland, calcareous grassland, hedgerow and natural regeneration on exposed limestone over 26 years and 6 months be **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:

Figure 3.1 REVA Phase 1

Figure 3.2 REVA Phase 2

Figure 3.3 REVA Phase 3

Drawing No. KWE03 REVA Restoration Plan

- Site Procedure for Blast Monitoring dated May 2016
- Dust Action Plan Revision A dated September 2016
- Noise Action Plan dated May 2016
- Extended Phase 1 Habitat Survey dated 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, amongst other matters, include provision for the matters listed below:
 - Prior to the commencement of soil stripping and mineral extraction in each phase of working a detailed scheme for that phase shall be submitted to the Mineral Planning Authority for approval in writing. Such a scheme shall, inter alia, include provision for:
 - i) The method, direction, sequence, depth and area of working;
 - ii) A survey of topsoil, subsoil/overburden resources both in storage mounds on the site and to be used in each phase of restoration;
 - iii) The angles of excavated slopes and margins to the site boundary;
 - iv) The location and construction of haul roads within the site;
 - v) The location and height of mineral stockpiles;
 - vi) The location, height, size and surface treatment of any overburden and quarry waste disposal tips.
 - vii) Details of restoration and aftercare including any planting and boundary treatments, details of calcareous grassland establishment.
 - viii) Details of footpath protection measures
 - ix) Details of any demolition works including method statements where necessary
 - Prior to the commencement of Phase 1, baseline noise and dust levels shall be measured for South Flatts and revised noise and dust action plans shall be submitted to be approved, in writing, by the Mineral Planning Authority.

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 Paragraph 144 of the NPPF).

Commencement

4. The development hereby approved must commence not later than three years from the date of this certificate, commencement being the removal of topsoil and/or subsoil for the purpose of winning and working of minerals in any part 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. (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 21 February 2042.

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 Paragraph 144 of the NPPF).

7. Within 18 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 Paragraph 144 of the NPPF).

8. If mineral extraction is temporarily suspended for a period of 3 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 3 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 Paragraph 144 of the NPPF).

9. In the event that mineral working is temporarily suspended for a period exceeding 2 years, then within 30 months of the date when mineral extraction last took place an interim restoration scheme and timetable for its completion shall be submitted to the Mineral Planning Authority. Such an interim restoration scheme once agreed by the Mineral Planning Authority shall be implemented in its entirety, unless otherwise agreed in writing by the Mineral Planning Authority. Written notification shall be given to the Minerals Planning Authority 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 Paragraph 144 of the NPPF).

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 A66(T) at NGR NZ022137 and as shown on Drawing No: Figure 3.1 REVA Phase 1.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Part 4 of the NPPF).

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).

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).

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).

Soil Stripping

15. 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* Paragraphs 109, 118 and 144 of the NPPF).

16. 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* Paragraphs 109, 118 and 144 of the NPPF).

17. 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* Paragraph 144 of the NPPF).

18. Soil mounds formed in accordance with Condition 15 shall be seeded with an appropriate grass seeds mixture 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* Paragraphs 109, 118 and 144 of the NPPF).

19. 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 Paragraphs 123 and 144 of the NPPF).

20. 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 Paragraph 144 of the NPPF).

Working Hours

21. All site operations including extraction and haulage authorised by this planning permission shall be restricted to the following periods:

0700 hours to 1900 hours Monday to Friday
0700 hours to 1700 hours Saturday

No operations for the formation and subsequent removal of material from any soil/overburden storage mounds shall be carried out except between the following times:

0800 hours to 1800 hours on Monday to Friday; and
0800 hours to 1300 hours on Saturdays.

With the exception of pumping, no operations including the maintenance of vehicles and plant or working shall take place outside these hours or at any time on Bank, or other public holidays, 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 Paragraphs 123 and 144 of the NPPF).

Environmental Protection

Dust

22. The site shall be operated in accordance with the Dust Action Plan referred to in 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.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting local amenity, M43 Road traffic Paragraphs 123 and 144 of the NPPF).

23. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Action Plan approved under 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 Paragraphs 123 and 144 of the NPPF).

Noise

24. 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) or as determined by baseline data gathered in accordance with Condition 3, whichever is lower, at East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

25. 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 East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts:
- (a) the stripping and respreading of all soil mounds.
 - (b) the construction and removal of all perimeter soil mounds.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

26. 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 123 and 144 of the NPPF).

27. Noise mitigation measures and the monitoring of site operations shall be carried out in accordance with The Noise Action Plan approved under Condition 3. 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 Paragraphs 123 and 144 of the NPPF).

Blasting

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

1000 hours to 1600 hours on Monday to Friday; and
1000 hours to 1300 hours on Saturdays

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

29. The blast design shall be such that ground vibration levels arising from blasting shall not exceed a peak particle velocity of 6mm per second in any mutually perpendicular plane and calculated with a 95% confidence limit, 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 Paragraphs 123 and 144 of the NPPF).

30. All blasting shall be carried out in accordance with the Site Procedure for Blast Monitoring Revised and vibration levels shall be monitored for peak particle velocity in three mutually perpendicular planes in accordance with the approved scheme as referred to in Condition 1. 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.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

31. 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 123 and 144 of the NPPF).

Ecology

32. The site shall be operated in accordance with the Recommendations detailed in Section 5.0 of the Extended Phase 1 Habitat Survey (Applied Ecological Services, November 2015)

Reason: In the interests of nature conservation. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M29 Nature Conservation and Paragraphs 109, 118 and 144 of the NPPF*).

Floodlighting and Other Illumination

33. To minimise the impact of floodlighting or disturbance through glare, the steps listed in The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light 2005 Edition' (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 Paragraphs 123 and 144 of the NPPF*).

Groundwater and Surface Water Drainage Protection

34. There shall be no dewatering of the site, interruptions to ground or surface water flows or discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

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 Paragraph 144 of the NPPF*).

35. 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 Paragraph 144 of the NPPF*).

Archaeology

36. Development of the site is in 3 Phases. No soil stripping or extraction of mineral shall take place in each phase of working, as shown on drawings Figure 3.1 REVA Phase 1, Figure 3.2 REVA Phase 2 and Figure 3.3 REVA Phase 3, until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been approved in writing by the Local Planning Authority for each phase, or the site as a whole. The Scheme shall provide for:

i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the phase area by means of trial trench evaluation

ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation work in (i);

iii), proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase (i);

iv), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

v), notification in writing to the Durham County Council Archaeology Section of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with saved Minerals Policy M33, and para. 135 and 141 of the NPPF.

37. Following the completion of each phase of working, as shown on drawings Figure 3.1 REVA Phase 1, Figure 3.2 REVA Phase 2 and Figure 3.3 REVA Phase 3, and prior to the completion of restoration in accordance with drawing KWE03 REVA Restoration Plan, a copy of any analysis, reporting, publication or archiving required as part of the Archaeological mitigation strategy set out in Condition 36 shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

Buildings, Fixed Plant and Machinery

38. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings, plant, or machinery shall be erected or placed within the area subject of this permission except where the quarry floor has been excavated to a level at least 10m below the lowest point of the unexcavated ground immediately adjacent to the excavation without prior approval from the Mineral Planning Authority.

Reason: 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 Paragraph 144 of the NPPF*).

39. 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 Paragraph 144 of the NPPF*).

40. 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 Paragraph 144 of the NPPF.).

Site Maintenance

41. 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 Paragraph 144 of the NPPF.).

Restoration

42. Restoration of the site shall be in accordance with Drawing No. Figure Figure KWE03 REVA Restoration Plan 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 Paragraph 144 of the NPPF.).

Replacement of Soil

43. Soils and any soil-making materials 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 details approved under Condition 1 or as amended by details 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 Paragraph 144 of the NPPF.).

44. No movement or replacement of soil 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 Paragraph 144 of the NPPF).).

45. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Conditions 43 and 44 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 Paragraph 144 of the NPPF).).

46. Following compliance with Conditions 43 and 44, 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.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF).).

Aftercare

47. No later than 6 months prior to the target date for the completion of aftercare on any part of the site, the developer shall prepare a report on the physical characteristics of the restored land in respect of Drawing No. KWE03 REVA Restoration Plan and on restoration details approved under Condition 3 for after use, incorporating proposals to demonstrate to the Mineral Planning Authority, that by the end of the aftercare period, this will be restored, so far as it is practicable to do so.

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.

48. The period of aftercare shall be deemed to have been successfully completed following a period of 5 years effective management of those parts of the site to be restored to agriculture as identified on Drawing No. KWE03 REVA Restoration Plan and on restoration details approved under Condition 3 for such after use as confirmed in writing by the Mineral Planning Authority.

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.

ANNUAL REVIEW

49. Before 31st August of every year during the aftercare period in respect of all 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 45), and setting out the intended operations for the next 12 months.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF.).

50. 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 49, 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 or successors (as appropriate);
- (e) representatives of other statutory bodies as appropriate.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF).

COMPLETION AND AFTERCARE

51. The period of aftercare shall be deemed to have been successfully completed following a period of 5 years effective management, after compliance with Condition 46 for the whole of or smaller manageable blocks, as confirmed in writing by the Mineral Planning Authority.

Restoration: 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.

That the application for the proposed Variation to Planning Permission No. 8/PRA/2013/6/1 to allow eastern extension to quarry be **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:

Figure 3.1 REVA Phase 1

Figure 3.2 REVA Phase 2

Figure 3.3 REVA Phase 3

Drawing No. KWE03 REVA Restoration Plan

- Site Procedure for Blast Monitoring dated May 2016
- Dust Action Plan Revision A dated September 2016
- Noise Action Plan dated May 2016
- Extended Phase 1 Habitat Survey dated 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, amongst other matters, include provision for the matters listed below:
 - Prior to the commencement of soil stripping and mineral extraction in each phase of working a detailed scheme for that phase shall be submitted to the Mineral Planning Authority for approval in writing. Such a scheme shall, inter alia, include provision for:
 - i) The method, direction, sequence, depth and area of working;
 - ii) A survey of topsoil, subsoil/overburden resources both in storage mounds on the site and to be used in each phase of restoration;
 - iii) The angles of excavated slopes and margins to the site boundary;
 - iv) The location and construction of haul roads within the site;
 - v) The location and height of mineral stockpiles;
 - vi) The location, height, size and surface treatment of any overburden and quarry waste disposal tips.
 - vii) Details of restoration and aftercare including any planting and boundary treatments, details of calcareous grassland establishment.
 - viii) Details of footpath protection measures

ix) Details of any demolition works including method statements where necessary

- Prior to the commencement of Phase 1, baseline noise and dust levels shall be measured for South Flatts and revised noise and dust action plans shall be submitted to be approved, in writing, by the Mineral Planning Authority.

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 Paragraph 144 of the NPPF).

Commencement

4. The development hereby approved must commence not later than three years from the date of this certificate.

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 21 February 2042.

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 Paragraph 144 of the NPPF).

7. Within 18 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 Paragraph 144 of the NPPF).

8. If mineral extraction is temporarily suspended for a period of 3 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 3 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 Paragraph 144 of the NPPF).

9. In the event that mineral working is temporarily suspended for a period exceeding 2 years, then within 30 months of the date when mineral extraction last took place an interim restoration scheme and timetable for its completion shall be submitted to the Mineral Planning Authority. Such an interim restoration scheme once agreed by the Mineral Planning Authority shall be implemented in its entirety, unless otherwise agreed in writing by the Mineral Planning Authority. Written notification shall be given to the Minerals Planning Authority 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 Paragraph 144 of the NPPF).

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 A66(T) at NGR NZ022137 and as shown on Drawing No: Figure 3.1 REVA Phase 1.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Part 4 of the NPPF).

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).

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).

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).

Soil Stripping

15. 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* Paragraphs 109, 118 and 144 of the NPPF).

16. 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* Paragraphs 109, 118 and 144 of the NPPF).

17. 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* Paragraph 144 of the NPPF).

18. Soil mounds formed in accordance with Condition 15 shall be seeded with an appropriate grass seeds mixture 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* Paragraphs 109, 118 and 144 of the NPPF).

19. 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 Paragraphs 123 and 144 of the NPPF).

20. 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 Paragraph 144 of the NPPF).

Working Hours

21. All site operations including extraction and haulage authorised by this planning permission shall be restricted to the following periods:

0700 hours to 1900 hours Monday to Friday

0700 hours to 1700 hours Saturday

No operations for the formation and subsequent removal of material from any soil/overburden storage mounds shall be carried out except between the following times:

0800 hours to 1800 hours on Monday to Friday; and
0800 hours to 1300 hours on Saturdays.

With the exception of pumping, no operations including the maintenance of vehicles and plant or working shall take place outside these hours or at any time on Bank, or other public holidays, 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 Paragraphs 123 and 144 of the NPPF*).

Environmental Protection

Dust

22. The site shall be operated in accordance with the Dust Action Plan referred to in 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.

Reason: In the interests of residential amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting local amenity, M43 Road traffic Paragraphs 123 and 144 of the NPPF*).

23. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Action Plan approved under 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 Paragraphs 123 and 144 of the NPPF*).

Noise

24. 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 55dBL_{Aeq,1hour} (freefield) or as determined by baseline data gathered in accordance with Condition 3, whichever is lower, at East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

25. 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 East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts:
- (a) the stripping and respreading of all soil mounds.
 - (c) the construction and removal of all perimeter soil mounds.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

26. 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 123 and 144 of the NPPF).

27. Noise mitigation measures and the monitoring of site operations shall be carried out in accordance with The Noise Action Plan approved under Condition 3. 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 Paragraphs 123 and 144 of the NPPF).

Blasting

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

1000 hours to 1600 hours on Monday to Friday; and
1000 hours to 1300 hours on Saturdays

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

29. The blast design shall be such that ground vibration levels arising from blasting shall not exceed a peak particle velocity of 6mm per second in any mutually perpendicular plane and calculated with a 95% confidence limit, 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 Paragraphs 123 and 144 of the NPPF).

30. All blasting shall be carried out in accordance with the Site Procedure for Blast Monitoring Revised and vibration levels shall be monitored for peak particle velocity in three mutually perpendicular planes in accordance with the approved scheme as referred to in Condition 1. 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.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

31. 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 123 and 144 of the NPPF).

Ecology

32. The site shall be operated in accordance with the Recommendations detailed in Section 5.0 of the Extended Phase 1 Habitat Survey (Applied Ecological Services, November 2015)

Reason: In the interests of nature conservation. (Adopted County Durham Minerals Local Plan (December 2000) Policy M29 Nature Conservation and Paragraphs 109, 118 and 144 of the NPPF).

Floodlighting and Other Illumination

33. To minimise the impact of floodlighting or disturbance through glare, the steps listed in The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light 2005 Edition' (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 Paragraphs 123 and 144 of the NPPF).

Groundwater and Surface Water Drainage Protection

34. There shall be no dewatering of the site, interruptions to ground or surface water flows or discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

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 Paragraph 144 of the NPPF).

35. 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 Paragraph 144 of the NPPF*).

Archaeology

36. Development of the site is in 3 Phases. No soil stripping or extraction of mineral shall take place in each phase of working, as shown on drawings Figure 3.1 REVA Phase 1, Figure 3.2 REVA Phase 2 and Figure 3.3 REVA Phase 3, until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been approved in writing by the Local Planning Authority for each phase, or the site as a whole. The Scheme shall provide for:

i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the phase area by means of trial trench evaluation

ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation work in (i);

iii), proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase (i);

iv), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

v), notification in writing to the Durham County Council Archaeology Section of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with saved Minerals Policy M33, and para. 135 and 141 of the NPPF.

37. Following the completion of each phase of working, as shown on drawings Figure 3.1 REVA Phase 1, Figure 3.2 REVA Phase 2 and Figure 3.3 REVA Phase 3, and prior to the completion of restoration in accordance with drawing KWE03 REVA Restoration Plan, a copy of any analysis, reporting, publication or archiving required as part of the Archaeological mitigation strategy set out in Condition 36 shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

Buildings, Fixed Plant and Machinery

38. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings, plant, or machinery shall be erected or placed within the area subject of this permission except where the quarry floor has been excavated to a level at least 10m

below the lowest point of the unexcavated ground immediately adjacent to the excavation without prior approval from the Mineral Planning Authority.

Reason: 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 Paragraph 144 of the NPPF*).

39. 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 Paragraph 144 of the NPPF*).

40. 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 Paragraph 144 of the NPPF*).

Site Maintenance

41. For the duration of the development, until restoration of the site, the following site maintenance operations shall be carried out:

- e. the maintenance of fences in a stockproof and secure condition, between any areas used for development, and adjoining agricultural land;
- f. 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);
- g. the maintenance of drainage ditches;
- h. 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 Paragraph 144 of the NPPF*).

Restoration

42. Restoration of the site shall be in accordance with Drawing No. Figure Figure KWE03 REVA Restoration Plan 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 Paragraph 144 of the NPPF).).

Replacement of Soil

43. Soils and any soil-making materials 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 details approved under Condition 1 or as amended by details 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 Paragraph 144 of the NPPF).).

44. No movement or replacement of soil 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 Paragraph 144 of the NPPF).).

45. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Conditions 43 and 44 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 Paragraph 144 of the NPPF).).

46. Following compliance with Conditions 43 and 44, 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.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF).).

Aftercare

47. No later than 6 months prior to the target date for the completion of aftercare on any part of the site, the developer shall prepare a report on the physical characteristics of the restored land in respect of Drawing No. KWE03 REVA Restoration Plan and on restoration details approved under Condition 3 for after use, incorporating proposals to demonstrate to the Mineral Planning Authority, that by the end of the aftercare period, this will be restored, so far as it is practicable to do so.

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.

48. The period of aftercare shall be deemed to have been successfully completed following a period of 5 years effective management of those parts of the site to be restored to agriculture as identified on Drawing No. KWE03 REVA Restoration Plan and on restoration details approved under Condition 3 for such after use as confirmed in writing by the Mineral Planning Authority.

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.

ANNUAL REVIEW

49. Before 31st August of every year during the aftercare period in respect of all 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 45), and setting out the intended operations for the next 12 months.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF.).

50. 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 49, 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 or successors (as appropriate);
- (e) representatives of other statutory bodies as appropriate.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF).

COMPLETION AND AFTERCARE

51. The period of aftercare shall be deemed to have been successfully completed following a period of 5 years effective management, after compliance with Condition 46 for the whole of or smaller manageable blocks, as confirmed in writing by the Mineral Planning Authority.

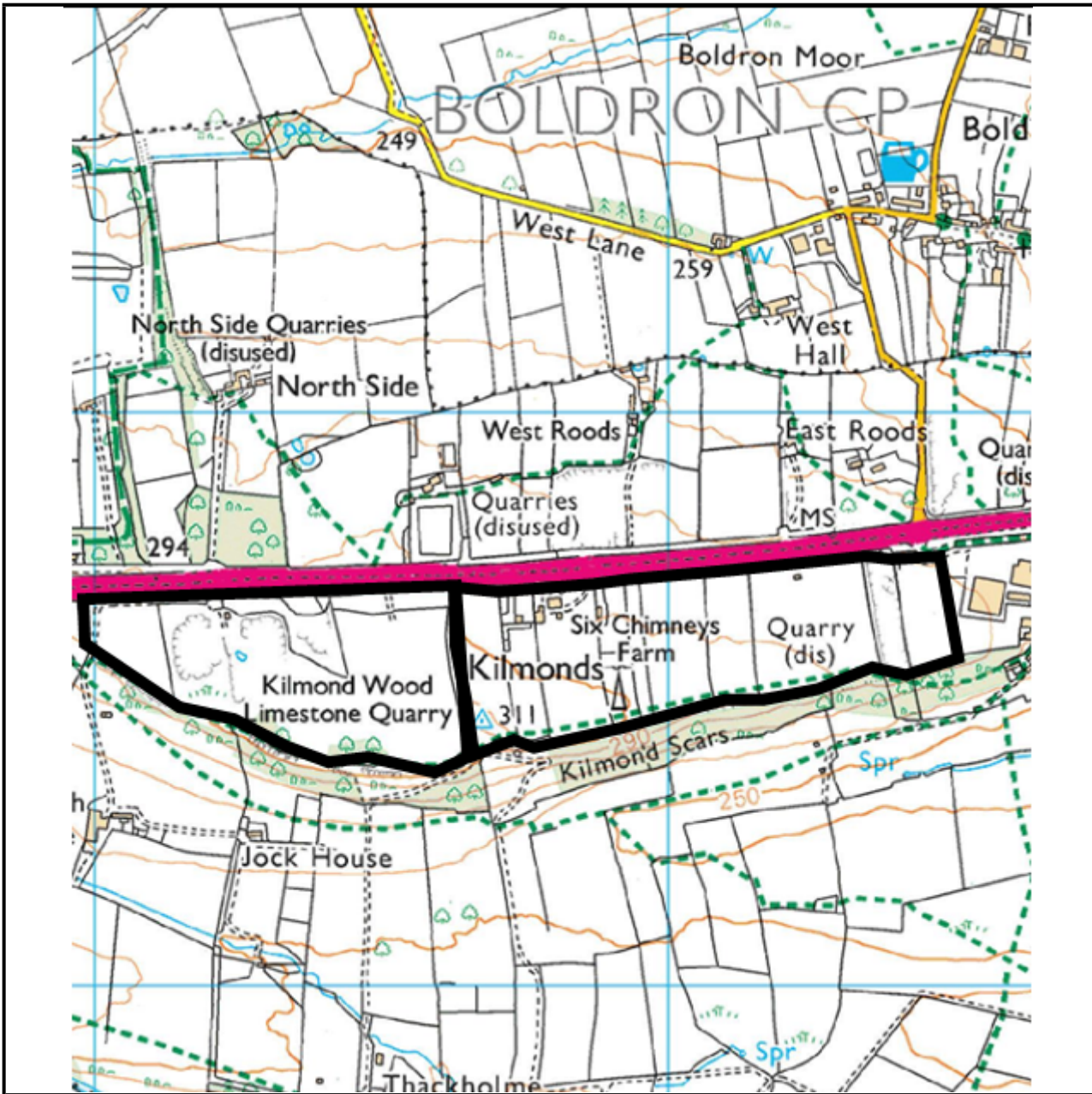
Restoration: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

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.)*

BACKGROUND PAPERS

- 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

1. Eastern extension to Kilmondwood Quarry for the winning and working of 5 million tonnes of Carboniferous limestone and the importation of 192,000 cubic metres of inert materials, with restoration to broadleaved woodland, low nutrient grassland, calcareous grassland, hedgerow and natural regeneration on exposed limestone over 26 years and 6 months (DM/16/01937/MIN)
2. Variation to Planning Permission No. 8/PRA/2013/6/1 to allow eastern extension to quarry (DM/16/01943/VOCMW)

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Comments

Date December 2016

Scale Not to scale



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	1) DM/14/02371/VOCMW & 2) DM/14/02372/WAS
FULL APPLICATION DESCRIPTION:	1) Variation of Conditions 1 (approved documents), 5 & 6 (matters requiring subsequent approval), 7 & 8 (completion date), 9 (future works required) 13, 14, 17-21 (topsoil stripping and bunding works), 23 & 24 (method of working), 29 (equipment), 30 (noise), 32 (site maintenance), 34 (archaeology), 35 & 36 (removal of site compound, access & haul roads), 37 (provision of surface features) and 41 (maintenance of hedges and trees) of Planning Permission 2/88/116CM 2) Remediation works using recovered inert waste materials to achieve suitable and stable restoration profiles for northern and southern faces of the quarry
NAME OF APPLICANT:	Ibstock Brick (1996) Ltd.
ADDRESS:	Land at Birtley Quarry, Station Lane, Birtley
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Claire Teasdale, Principal Planning Officer, 03000 261390, claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Application site

1. Birtley Quarry (approximately 20ha in area) is a long-standing brickclay quarry situated approximately 1km to the northern edge of Ouston, approximately 920m south east of Kibblesworth at its closest point and immediately west of Birtley but separated by the East Coast Mainline. The laminated clays at the quarry are worked on an annual campaign basis, typically in the Spring. The quarry has supplied the adjacent Union brickworks located at Rowletch Burn Industrial Estate, Station Lane, Birtley (operated by the applicant and within Gateshead), with brick making materials over many years. The brickclay is transported directly from the quarry to temporary stockpiles on land to the east of the Rowletch Burn until required for use by the brickworks. Reject bricks from the brickworks are also stockpiled in this area prior to being returned to the quarry void for use on haul roads.
2. The quarry site lies wholly within County Durham, but immediately to the east is the administrative boundary of Gateshead Council.
3. The northern boundary of the site follows the River Team with the Birtley Sewage Treatment Works immediately to the north of the River. The Bowes Railway Scheduled Monument lies 430m to the north of the site beyond the Sewage

Treatment Works within Gateshead. Public Footpath No. 44 (Urpeth Parish) abuts the south west boundary of the site. The Urpeth Burn forms the southern boundary of the site and the Rowletch Burn the eastern boundary with the East Coast Mainline beyond. Woodland also surrounds the site boundary. Industrial estates exist to the east of the East Coast Mainline and to the south east of the quarry.

4. The site occupies an east facing slope and is approximately 20m Above Ordnance Datum (AOD) and is located within a broad lowland valley floor associated with the River Team. The majority of the site has been stripped of soils with only approximately a quarter to the south of the site remaining undisturbed and currently in agriculture. A waterbody exists in the central and lowest part of the quarry.
5. The closest property to the site is White House approximately 114m to the west of the quarrying permission site boundary and within County Durham. Bewicke Main Caravan Park lies some 450m to the west at Urpeth Bridge with two industrial premises closer. Properties in Low Urpeth are some 460m from the site and the closest properties in Birtley are approximately 530m from the site.
6. There are no landscape or nature conservation designations within the site boundary but immediately to the east of the Rowletch Burn is the Gateshead Birtley Union Brickworks Local Wildlife Site, an area of backfilled former mineral working. Team Woodlands Local Wildlife Site in County Durham lies 40m to the south west with Urpeth Wood ancient woodland 60m beyond. The site is designated as Green Belt. There are no listed buildings within the vicinity of the site. Three former brickclay extraction sites restored through landfill are located within the vicinity of the site.

The proposals

7. Two applications have been submitted to the Council relating to Birtley Quarry, these being: a variation of conditions pertaining to the existing planning permission which would, amongst other matters extend the extraction and restoration periods for the site as well as alterations to the scheme of working and restoration and a proposal for slope stabilisation works within the quarry using inert waste material. The applications are dealt with sequentially in this report.
8. An associated planning application was granted by Gateshead Council (Planning Permission No. DC/14/00899/FUL) for continued stockpiling and works to enhance the adjacent local wildlife site covering an area of approximately 8.41ha immediately to the east of the quarry void. This planning permission was issued in September 2016 with a planning obligation to secure a 10 year aftercare period in total for the restored site and management of the adjacent Birtley Union Brickworks Local Wildlife Site.

Variation of conditions application

9. The application seeks to vary and remove a number of planning conditions attached to the current planning permission which relate to specific operational and restoration conditions. The proposed changes would allow the working method (including deepening) and restoration proposals now proposed to be implemented, would regularise where working has taken place outside of the permitted extraction boundary but within the wider planning permission boundary, as well as amending or removing conditions that are no longer applicable to the current stage of implementation of the development.
10. Conditions to be varied or removed are 1 (approved documents), 5 and 6 (matters requiring subsequent approval), 7 and 8 (completion date), 9 (future works required)

13, 14, 17-21 (topsoil stripping and bunding works), 23 and 24 (method of working), 29 (equipment), 30 (noise), 32 (site maintenance), 34 (archaeology), 35 & 36 (removal of site compound, access and haul roads), 37 (provision of surface features) and 41 (maintenance of hedges and trees) of Planning Permission 2/88/116CM.

11. Conditions 7 and 8 of the existing planning permission require cessation of mineral extraction 30 years from the commencement of development (by 1 May 2020) and the site to be restored 2 years after (1 May 2022). However, remaining permitted mineral reserves (647,000m³) would not be extracted by the required cessation date of May 2020 based on the average extraction rate of 25,000m³. Additional reserves of 116,300m³ have also been identified as a result of deepening the current limit of excavation and a limited lateral extension. The depth of extraction is currently limited to 18.3m below the existing ground level. The proposed depth of working would vary but would be -7m AOD at its deepest point. Deepening is proposed in order to avoid sterilisation of viable reserves and maintain an adequate reserve for the brickworks. It is estimated that the extraction of this additional mineral would take an additional 4.65 years to extract. Remaining reserves (as at 13 August 2013) plus the additional reserves equate to 763,300m³ which would take 30.5 years to extract, giving an end date of 13 February 2044 for extraction, with restoration by 13 February 2046.
12. The application originally sought to extend the life of the quarry to 1 June 2044 for the cessation of extraction with restoration by 1 June 2046. However, following additional site investigation works carried out in between August and October 2015 it was established that the amount of additional clay reserve to be won by deepening is 9,700m³ less than previously thought (down from 126,000m³ to 116,300m³). At the forecasted extraction rate of 25,000m³ p.a. this reduction in the reserve would reduce the proposed overall working life of the quarry by 0.4 years.
13. Also proposed is the regularisation of the limit of past mineral extraction in the base of the quarry and proposed extraction on the northern and southern faces of the quarry that lie slightly outside of the extraction limit identified on approved documents.

Proposed scheme of mineral working

14. Clay extraction takes place on a campaign basis typically lasting between 8 and 12 weeks (48 days to 72 days) in any one year using an excavator with dump trucks which are then used to transport the clay to the designated stockpiling area. The current planning permission permits working for a maximum of 90 days in any one year and the current variation application does not seek to amend this period. The proposed scheme of working and restoration encompasses the current permitted working area along with a modification to the extraction boundary. This modification involves increasing standoffs to peripheral trees and scrubs in approximately half the site as well as the regularisation of the two areas where extraction has taken place outside of the current permitted extraction limit (areas along the north western and south eastern boundaries).
15. The proposed scheme of working involves the continued extraction of clay in a westerly direction into undisturbed agricultural land concurrently with the deepening of the quarry. In advance of extraction, soils and overburden would be stripped. The material would be stored in the stocking area to the east of the quarry void for which Gateshead Council has granted planning permission until required for restoration and will either be used in the restoration of the quarry or the stocking area. Extraction would advance in the form of scraping clay from the working face in a downhill direction as well as from the base of the quarry during each campaign. Submitted

drawings identify the slope remediation works as phase 1, continued excavation, deepening and habitat enhancement as phase 2 and the final quarry void being phase 3.

16. The necessary infrastructure is already in place and no change is proposed to the access to the quarry from the brickworks or associated buildings all of which, including the stockpiling area, are within Gateshead. Submitted plans identify the route which would be taken through the stocking area to the quarry void however, it is possible that the routes to be used within the quarry area would vary depending on the stage quarrying and restoration has been reached.

Slope stabilisation application

17. The second application is for remediation works using recovered inert waste materials to achieve suitable and stable restoration profiles for the northern and southern faces of the quarry. The two application areas identified for the slope stabilisation works total 4.69 ha. One area is identified in the northern part of the quarry void adjacent to the River Team and the second to the south adjacent to Urpeth Burn.
18. It is proposed that approximately 149,000m³ or 267,600 tonnes of inert waste material would be required for the stabilisation works within the two areas. The material would be brought to the site over a two year period as required. HGVs carrying waste would drive through the stocking permission area and down to the quarry void. Once the material has been tipped the vehicles would exit the site the same way. Dump trucks would then be used to move the waste tipped within the tipping permission boundaries and form buttresses on each slope. Prior to placement the material would be screened using mobile plant. Creation of the buttresses would reduce the slope angle and coupled with a simple water management system, such as interceptors and surface channels, would leave the slopes in a stable condition for the long term. It is proposed that the works would be undertaken within the first two years of planning permission being granted. Works would be undertaken to the northern slope in the first year and to the southern slope in the second.

Working hours for both operations

19. The current planning permission for mineral extraction permits operations, including heavy goods vehicles entering and leaving the site, to be carried out between 07:00 to 19:00 hours on a maximum of 90 working days each year. The current planning application proposes that mineral extraction is carried out for a period of no more than 90 days in each year. The proposed working hours for mineral extraction are between 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays (excluding Sundays and Bank and Public Holidays). Once extraction ceases restoration works would also take place within those hours excluding the 90 day restriction.
20. It is proposed that the importation of waste materials for use in the slope remediation works would take place outside of peak hours, between 09:30 to 16:30 Monday to Friday and 09:30 to 12:30 on Saturdays excluding Public and Bank Holidays. The slope remediation works would be undertaken 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays excluding Public and Bank Holidays.
21. The planning permission for the stocking area granted by Gateshead Council in 2016 restricts working to 07:00 to 22:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturday and no working on Sundays and Bank Holidays.

Traffic and access

22. Access to the quarry would continue to be off Station Lane, Birtley (within Gateshead) and through the brickworks located at Rowletch Burn Industrial Estate, Station Lane, Birtley. The clay is transported directly from the void to temporary stockpiles adjacent to the works to use exclusively at the brickworks. The importation of waste would involve an average of 64 (32 in and 32 out) HGV movements per weekday.

Restoration

23. The current planning permission for the site provides for the filling of the excavation area as working proceeds with such materials as may be agreed with the Mineral Planning Authority, to be covered with overburden then topsoil. There is a history of insufficient overburden and topsoil from the site to restore worked out areas. The currently approved restoration associated with the 1989 planning permission is to a water-based amenity/recreation use with some agriculture and forestry according to a scheme to be agreed. Restoration of the site as a water area would provide for the early restoration of the site on completion of extraction operations with an opportunity to create a new landscape feature.
24. The current application proposes that the site is restored for nature conservation use with limited public access and be complete within two years of the cessation of extraction. During the operational life of the site quarried slopes would be encouraged to naturally regenerate. Following the cessation of extraction shallows would be created along the shoreline of the proposed lake using overburden where appropriate. Planting of reeds and shrubs along the shoreline is proposed along with floating reed beds and islands to promote ecological diversity. Restoration would take place in accordance with a Habitat Management Plan. Following the cessation of pumping the quarry void would fill with water to its natural level.
25. The site would be subject to 5 years statutory aftercare plus an additional 5 years as well as the longer term maintenance of the site until 1 June 2056. Both requirements are consistent with the Gateshead planning permission.
26. Public access would be restricted to the western end of the site. A permissive footpath in the western end of the site to run through the woodland to link with Footpath 44 (Urpeth Parish) is proposed along with observational hides.
27. The applications are accompanied by an Environmental Statement (ES) that considers the two proposals as well as the application made to Gateshead Council. This report has taken into account the information contained in the ES, additional environmental information submitted and that arising from statutory consultations and other responses.
28. The waste application is being reported to the County Planning Committee because it involves major waste development. The variation application is being reported to the County Planning Committee because it is related to the waste development.

PLANNING HISTORY

29. Clay extraction and brick manufacturing began at the site prior to 1900. Following this planning permission was granted for brickclay extraction in 1965. An extension to the site was granted in 1989 (2/88/116/CM) for 30 years resulting in a 26.73 ha

site, 20.73 ha being within County Durham. Planning Permission was granted in 1988 by Gateshead Council for the stockpiling of overburden in association with the extension of clay extraction.

30. Applications were submitted under the Environment Act 1995 (Schedule 14) for the first periodic review of the minerals permissions relating to Birtley Quarry in 2003 to both Durham County Council and Gateshead Councils. However, these applications are currently in abeyance, pending determination of the current applications.
31. In September 2016 Gateshead Council granted planning permission (Planning Permission No. DC/14/00899/FUL) to allow continued stockpiling on land to the north of the brickworks tying in with the proposed time periods for the two applications in Durham and works to enhance the adjacent local wildlife site. Through legal agreement a 10 year aftercare of the restored site and management of an adjacent Local Wildlife Site are secured.

PLANNING POLICY

NATIONAL POLICY:

32. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
33. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements are considered relevant to this proposal.
34. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Decisions should support existing business sectors, taking account of whether they are expanding or contracting.
35. *NPPF Part 4 – Promoting Sustainable Transport.* States that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
36. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and

recreation can make an important contribution to the health and well-being of communities.

37. *NPPF Part 9 – Protecting green belt land.* The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
38. *NPPF Part 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
39. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognising the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land. It is stated that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
40. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* In determining applications LPAs should take account of; the desirability of sustaining and enhancing the significance of the heritage asset, the positive contribution conservation of heritage assets can make to sustainable communities and economic viability, and the desirability of new development making a positive contribution to local character.
41. *NPPF Part 13 – Facilitating the sustainable use of minerals.* 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. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. In determining planning applications for minerals development there are a number of matters to take into account. These 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. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
42. The NPPF identifies brickclay (especially Etruria Marl and fireclay) and shallow and deep-mined coal as being minerals of local and national importance. These being

minerals which are necessary to meet society's needs. In addition the NPPF also identifies that mineral planning authorities should plan for a steady and adequate supply of industrial minerals by providing a 25 year stock of permitted reserves for brick clay.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (NPPF)

43. *National Planning Policy for Waste* sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. The document provides a clear framework to enable waste planning authorities to work collaboratively with their communities and consider, through their Local Plans, what sort of waste facilities are needed and where they should go, while also protecting the local environment and local amenity by preventing waste facilities being placed in inappropriate locations. The policy strengthens and underlines the Government's commitment to protecting the Green Belt from development; the approach brings national waste planning policy into line with the National Planning Policy Framework, which makes clear that most types of new development should only be approved in the Green Belt in very special circumstances. This maintains and enhances the stringent protection against inappropriate development in the Green Belt.

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

44. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters. Of particular relevance to this development proposal 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 as well as advice regarding development in the Green Belt, air quality; conserving and enhancing the historic environment; design; determining a planning application; environmental impact assessment; flood risk; health and wellbeing; land affected by contamination; land stability; noise; biodiversity, public right of way; planning obligations; transport assessments and statements; use of planning conditions and water quality. Advice is also provided in respect of waste development.

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

LOCAL PLAN POLICY:

COUNTY DURHAM MINERALS LOCAL PLAN (DECEMBER 2000) [MLP] POLICY:

45. *Policy M1 – Maintenance of landbanks* – sets landbanks of permitted reserves to be maintained during the Plan period up to 2006 including those for brickmaking raw material of at least 15 years, sand and gravel (at least 7 years) and crushed rock (at least 10 years).
46. *Policy M3 – Extensions to mineral workings* – allows extensions to mineral workings under allocations and criteria set out in other MLP policies and subject to among other matters to impacts upon the level of reserves and the landbank, the impacts

upon landscape, ecology and other features of nature conservation importance and other adverse impacts, and no further mineral extraction on the Magnesian Limestone Escarpment.

47. *Policy M4 – Waste and recycled materials* – encourages and supports the use of recycled and waste materials in place of newly won minerals.
48. *Policy M12 – Proposals outside identified areas* – specifies that outside areas of search and designated landscape areas proposals for mineral extraction will only be permitted where one or more criteria applies including need, extraction in advance of other development and extensions to existing mineral workings.
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 – Locally important conservation sites* – states that minerals development which may have an adverse effect which affects regionally or locally identified sites of nature conservation interest including SNCIs 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 effect on listed buildings, conservation areas, or their settings. Where it is justified the permission will only be granted where the working and restoration of the site ensures the retention of important built and landscape features; and final restoration is to at least the original landscape quality, with replacement of any landscape features that it is not possible to retain during working.
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 M33 – Recording of archaeological remains* – 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.
55. *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.
56. *Policy M35 – Recreational areas and public rights of way* – aims to prevent development that would have an unacceptable impact on the recreational value of the countryside unless there is a need for the mineral which cannot be met from

suitable alternative sites or sources. It also requires adequate arrangements for the continued use of public rights of way both during and after mineral development, either by means of existing or diverted routes.

57. *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.
58. *Policy M37 – Stand off distances* – seeks to prevent mineral development within 250m (500m where operations involve blasting) of a group of 10 or more dwellings unless it is demonstrated that residential amenity can be protected from the adverse impacts of mineral working.
59. *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.
60. *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.
61. *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.
62. *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.
63. *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.
64. *Policy M47 – After uses* – provides advice in relation to proposals for the after use of mineral sites.
65. *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. Conditions will be imposed, planning obligations or other legal agreements sought as necessary to cover the minimisation of environmental impact, removal of the plant, structure, buildings as soon as extraction has ceased time limits on the storage of materials after working has ceased and preventing the import of materials from elsewhere..
66. *Policy M51 – Storage* – in granting planning permission for mineral stocking areas the Policy requires conditions to be imposed or planning obligations or other legal

agreements sought, to cover the minimisation of environmental impact, time limits on the storage of materials after working has ceased and preventing the import of materials from elsewhere.

67. *Policy M52 – Site management* – states the ability and commitment of the intended operator to operate and reclaim the site in accordance with the agreed scheme will be taken into account.

COUNTY DURHAM WASTE LOCAL PLAN (APRIL 2005) [WLP] POLICY:

68. *Policy W2 – Need* – requires the demonstration of need for a particular development which cannot be met by an alternative solution higher up the waste hierarchy.
69. *Policy W3 – Environmental Protection* – states that proposals for new development will be required to demonstrate that the natural and built environment and the living conditions of local communities will be protected and where possible enhanced.
70. *Policy W10 – Green Belt* – Permission should only be allowed for the deposit of waste material in the Green Belt where it maintains its openness, and does not conflict with the purposes of including land within it. Specific mention is made to the erection of new buildings, plant and machinery, the deposit of waste for the restoration of mineral voids and the re-use of a building. In considering all applications for waste development regard will be given to the application of the proximity principle and the availability of suitable alternative sites outside the Green Belt. In all cases the visual amenities of the Green Belt should not be injured by reason of siting, design or materials.
71. *Policy W13 – Nature Conservation (Local)* – states that waste development likely to have an adverse effect on local sites including County Wildlife Sites (now Local Wildlife Sites) will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature of the conservation value of the site.
72. *Policy W17 – Nature Conservation (Minimisation of Adverse Impact)* – states that proposals should incorporate measures to ensure that any adverse impact on the nature conservation interest of the site is minimised.
73. *Policy W18 – Listed Buildings* – states that there will be a presumption in favour of the preservation of Listed Buildings. Proposals for waste developments which would result in the demolition, alteration with adverse impact, damage or other adverse change to the special character or setting of a listed building will not be permitted unless it can be demonstrated that there are no alternative sites available; and there are imperative reasons of over-riding public interest sufficient to outweigh the loss of or damage to the special architectural or historic interest of the building and/or its setting.
74. *Policy W21 – Archaeology* – Where there is reason to believe that important archaeological remains may exist within or in the vicinity of the site of a proposed waste development, developers will be required to provide an archaeological assessment and field evaluation prior to the determination of the planning application.
75. *Policy W22 – Archaeology* – Where nationally important archaeological remains, whether scheduled or not, and their settings are affected by a proposed waste development there will be a presumption in favour of their preservation in situ. Proposals for waste development that would have an adverse effect on regionally important archaeological remains will only be permitted where the need for the

development outweighs the importance of retaining the site intact and no other suitable locations are available

76. *Policy W23 – Archaeology* – 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.
77. *Policy W24 – Rights of Way* – Waste development will be permitted where it can be demonstrated that there will be no significant adverse impact upon the recreational value of the countryside, and in particular facilities such as the local path network, country parks and picnic areas. Adequate arrangements will be required for the continued use of public rights of way and permissive paths such as railway walks both during and after waste development, either by means of existing or diverted routes.
78. *Policy W27 – Landfill/Landraise and groundwater vulnerability* – Proposals for landfill and landraise will not be permitted in Groundwater Source Protection Zone I. For other parts of the County, a risk assessment of a level of detail appropriate to the site's location, its hydrogeology and the nature of the wastes should accompany each planning application. Unless it demonstrates that active long-term site management is not essential to prevent long-term groundwater pollution, proposals for landfill and landraise will not be permitted on or in a Major Aquifer, or within Groundwater Source Protection Zones II or III, or below the water table in any strata where the groundwater provides an important contribution to river flow or other sensitive surface waters.
79. *Policy W28 – Flood Risk* – states that proposals for new waste development will not be permitted in flood risk areas unless it can be demonstrated that: there is no alternative option available in a lower risk flood zone; there will be no unacceptable risk from flooding; there will be no unacceptable increase in the risk of flooding elsewhere, as a result of the development; and, appropriate measures exist or can be carried out to manage and minimise the risk of flooding.
80. *Policy W29 – Modes of transport* – requires that waste development incorporate measures to minimise transportation of waste.
81. *Policy W31 – Environmental impact of road traffic* – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
82. *Policy W32 – Planning obligations for controlling environmental impact* – states that in granting planning permission for waste development, planning conditions be imposed and planning obligations or other legal agreements sought, to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
83. *Policy W33 – Protecting local amenity* – requires that suitable mitigation measures are incorporated into proposals to ensure that any harmful impacts from noise, odour, litter, vermin, birds, dust, mud, visual intrusion and traffic and transport are kept to an acceptable level.

84. *Policy W35 – Cumulative Impact* – 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 Waste Local Plan.
85. *Policy W46 – Landfill and Landraise* – deals specifically with proposals that create new landfill capacity including extensions to existing sites. These will only be permitted where it can be demonstrated that they contribute to a sustainable waste management system for County Durham; represent the best practicable environmental option; satisfy an established need; and achieve overall environmental benefits; or a proposal represents a small ‘windfall’ scheme which will secure the reclamation of registered contaminated or previously developed land within a short timescale or increase the nature conservation interest of a proposed site through the creation of new habitats, without creating a significant amount of new void space.
86. *W54 – Reclamation Conditions* – Planning applications for waste development should include proposals for the satisfactory reclamation of the site. Conditions will be imposed, and planning obligations or other legal agreements sought, to cover matters such as the submission of further detailed reclamation proposals at specified stages in the development, phased reclamation, stripping and soil stripping, storage, replacement and management, installation of drainage systems, contouring and grading of restored land, aftercare and long term management where appropriate, removal of buildings, plant, structures, machinery and hardstanding, mitigation of any adverse traffic and any other matters necessary to ensure the satisfactory reclamation of the site.
87. *W55 – After Uses* – All proposals for the after-use of waste management sites shall have particular regard to a number of matters including the impact on the amenity of local communities and opportunities for their enhancement; impact on landscape character and opportunities for improvements to the landscape; impacts on the cultural and built environment; quality of agricultural land; opportunities for the provision of sport and recreational facilities or public open space; opportunities for the enhancement and creation of features of nature conservation importance; opportunities for the creation of community woodlands; opportunities for the creation of new rights of way; and likely traffic impact due to the after-use of the site.
88. *Policy W56 – Legal Agreements* – states that the Waste Planning Authority will seek to secure a legal agreement between appropriate parties in order to ensure satisfactory control over waste development in terms of site development, operations, reclamation and aftercare, mitigation of offsite impacts, off site landscaping and/or highway improvements, where such matters are beyond the scope of planning conditions.

CHESTER-LE-STREET DISTRICT COUNCIL LOCAL PLAN (2003) [CDLP] POLICY:

89. *Policy NE3 – Implementation of the North Durham Green Belt* – seeks to implement and maintain the North Durham Green Belt, restricting urban sprawl, settlement mergence, safeguarding the countryside from encroachment, and assisting in regenerating brownfield sites and other urban land.
90. *Policy NE4 – Appropriate development in the Green Belt* – seeks to control appropriate development in the Green Belt, restricting the construction of new buildings to; agricultural and forestry uses, sport, recreation and other uses that preserve Green Belt openness, proposals for the limited extension, alteration or

replacement of existing dwellings, the reuse or conversion of existing buildings and mineral extraction.

91. *Policy NE6 – Development affecting the Visual Amenity of the Green Belt* – Development within or conspicuous from the Green Belt will not be granted where the proposal by virtue of its scale, siting, materials or design is detrimental to the visual amenity of such.

EMERGING POLICY:

The County Durham Plan (CDP)

92. Paragraph 216 of the NPPF says 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. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at (link to webpage)

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=674> (County Durham Minerals Local Plan), at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=675> (County Durham Waste Local Plan) and <http://www.durham.gov.uk/article/3267/Chester-le-Street-Local-Plan> (Chester-le-Street District Local Plan).

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

93. *Gateshead Council* – Raise no objection. In the context of policies contained within the Unitary Development Plan (UDP) and the Submitted Core Strategy and Urban Core Plan for Gateshead and Newcastle (2010-2030) as well as the relevant paragraphs of the National Planning Policy Framework (NPPF) the Council considers extending the lifespan of the quarry, deepening the excavation site and using inert material to carry out remedial works, is considered acceptable in principle. Issues are raised in relation to geotechnical matters with specific mention to slope stability during working and restoration, water and flooding issues relating to the River Team and possible implications of rising minewater. Comments are made regarding the suitability of the submitted ecological surveys and proposed mitigation measures as well as the adequacy of the restoration proposals with regard to the proximity of the proposed waterbody and the River Team and impacts upon ecology. In terms of landscape it is noted that submitted LVIA reports that the quarry is not very visible or intrusive, so the extra 23 years life on top of the permitted 30 years is insignificant. However, Gateshead officers note that the site is visible from Long Bank when travelling down to Birtley from Wrekenton and this should be looked at again. There does not appear to be any rights of way that fall within Gateshead that are affected by any of the proposals and therefore no further comment or objection is likely in relation to this element of the application.

94. There is no objection to the variation of condition application from a highway perspective. Concerns had initially been raised regarding the impacts of the use of inert waste for remediation and that further assessment was required in relation to the key junctions, potential for alternative haul routes and suitable mitigation. However, following a review, officers accept that the numbers of vehicles that are presented as a worst case scenario are unlikely to result in severe impact, consequently it would not be appropriate to object on the basis of the impact of the development being severe in transport terms and the timescales involved do not justify significant highway investment, which is unlikely to offer any tangible benefits to its users. Conditions are requested in relation to restricting movements to outside the peak periods and for the funding of two new bus shelters on Station Road, subject to discussions with Nexus in order to deliver a sustainable proposal and through this look to offset the increase in vehicular trips by offering measures to encourage sustainable travel.
95. *National Planning Casework Unit* – advises that it has no comments to make on the applications.
96. *Highways Authority* – Raise no objection to the proposed variation of conditions. In terms of the slope stabilisation proposals it is noted that the submitted documents assume that the traffic entering and leaving the site would be travelling from and to the A167 Durham Road in Birtley. On this basis, although the land subject to the remediation works is in County Durham, the access roads lie within Gateshead MBC area and Gateshead MBC is the relevant highway authority. Officers concur with the comments of Gateshead MBC and agree that some measures must be taken to improve visibility to the right for drivers exiting the site. Beyond this point, however, the road is within Gateshead.
97. *Highways England* – No objections to either application are raised.
98. *Environment Agency* – raise no objection to either application subject to conditions. Following submission of additional information the EA has no objections subject to conditions specifying that there shall be no de-watering of the site and no interruptions to ground or surface water flows in order to protect controlled waters. Additional cone penetration testing proposed by the applicant is considered useful. It is recommended that the Coal Authority is consulted specifically on the potential risks of intercepting minewaters, and the mitigation measures that would likely be required if minewaters are intercepted. However, the Agency has no objections for those details to be provided by the applicant at a later date, when known, and incorporated into the site water management scheme and propose a condition to this effect.
99. In addition the EA considers that there is a potential opportunity to incorporate a series of reed beds adjacent to the Rowletch Burn on the west side of the burn, along the site of the excavation. The Rowletch Burn could be diverted through a network of oxygenated reed beds in order to remove pollutants from the burn, such as Ammonia and Phosphate which are currently causing Water Framework Directive failures downstream on the River Team.
100. The EA has no objections to the slope stabilisation proposals. The EA confirm that the development is classified as a waste development and the development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Agency. It is noted that a waste recovery plan was agreed in April 2014 as it is a waste recovery operation and an application for a Permit is awaited.
101. *Northumbrian Water* – raise no objections to either application.

102. *Drainage and Coastal Protection* – Raise no objection to either application accepting that they should not worsen any potential flooding to surrounding areas.
103. *Natural England* – raise no objections to either application. In terms of the slope stability application, Natural England advise that the proposal is unlikely to affect any statutorily protected sites. It further advises that if the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
104. *Coal Authority* – Raise no objection to either application. In terms of the variation of conditions application the Coal Authority (CA) highlights that the site falls within the defined Development High Risk Area; however, the planning application is either for an application type or the nature of development which is listed as exempt. Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted on this proposal. The Coal Authority recommends that In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Informative Note within the Decision Notice as an informative note to the applicant in the interests of public health and safety
105. With regard to the slope stabilisation application, the CA note that as the site falls within the defined Development High Risk Area; within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The CA considers that the content and conclusions of the submitted Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development and as such has no objection to the proposed development.
106. *Historic England* - raise no objection to the applications.

NON-STATUTORY RESPONSES:

107. *Network Rail* – raises no objection to the applications. Initially concerns had been raised that the safe operation of railway and/or the integrity of railway infrastructure may be jeopardised by the proposed works and consequently recommend a number of conditions. However, when it was appreciated that the two planning applications are for activities that will take place in areas remote from the railway this request was withdrawn.
108. *Newcastle International Airport* – raises no objection. Newcastle International Airport (NEI) advises that the proposal has been assessed by the Aerodrome Safeguarding Team and given its location, outside of the statutory safeguarding areas for height and bird hazard, it is not considered that the proposal would result in any detriment to the safe operations of the Airport.

INTERNAL CONSULTEE RESPONSES:

109. *Spatial Policy* – raise no objection to either application. Officers consider subject to the consideration of the detailed environmental impacts of the proposed

development the minerals proposal could accord with many of the policies of the existing Local Plans currently in place in this part of County Durham.

110. In policy and mineral supply terms there is significant merit in granting planning permission to allow an extension of time to allow the full recovery of existing permitted reserves at Birtley Quarry and allowing the deepening of the quarry to access additional reserves. This will provide for the continued availability of glacial clay to meet the future needs of the Union Brickworks thereby helping to ensure the supply of brick and tile products to the North East and wider markets, helping to retain/safeguard existing employment at the quarry and brickworks and through ensuring that Birtley Quarry is restored to a safe and stable condition.
111. The import of 'recovered' waste material to achieve suitable and stable restoration profiles is categorised by the Environment Agency as a 'waste recovery' operation and it is noted appears to meet the legal test derived from the Waste Framework Directive and European case law. The import of recovered waste will provide a clear benefit by providing a permanent solution to the long term stability problems on the northern and southern quarry faces. The material which is proposed to be used is an alternative to primary virgin aggregates and therefore facilitates the suitable use of minerals. Arguably, if the 'recovered waste' meets the required standard for a recycled or secondary aggregate this element of the proposed development could be considered as an 'engineering operation'. Notwithstanding this the proposal does involve the deposit of waste and should be considered under relevant policies of the County Durham Waste Local Plan.
112. *Environment, Health & Consumer Protection (Air Quality)* – note that the submitted documentation includes the establishment of a dust management scheme for the site based on a risk assessment approach which goes beyond the scope of the existing requirement of the condition attached to the current planning permission. It is noted that the carrying out of a risk assessment will identify the activities and use of plant most likely to generate dust emissions and will be used to form the basis of the dust management scheme that will include mitigation measures. However, officers consider that this should be linked to a proactive method so that the identified mitigation measures can be implemented in advance of undertaking a particular activity or operating an item of plant on the site. A means of monitoring dust from the site should also be undertaken as a way of assessing the effectiveness of dust mitigation measures on the site.
113. The surface extraction of minerals is identified as a potential source of emissions of air quality pollutants (particulates comprising of fractions below 10 and 2.5 microns diameter). It is noted that no conditions were placed on the previous planning consent for the site to cover air quality. It is recognised that surface mineral activities have been carried out on the site for some considerable time and officers are not aware of any complaints of dust emissions from the site that have been received. Further the nearest 'sensitive' receptors (residential dwellings) are located at a considerable distance from the site. It is noted that the impact on air quality will be dependent on the existing background levels of the air quality pollutants at locations in the vicinity of the site and that it would not be unreasonable for a screening assessment to be carried out to determine whether the impact of air quality pollutants on 'sensitive' receptors is likely to be significant or not. It is noted that the legislative requirements that cover air quality have come into effect following the initial planning permission granted for the carrying out of mineral extraction activities on the site. Surface mineral extraction activities are identified as a potential source of fugitive and uncontrolled emissions of air quality pollutants and in particular of particulate emissions (PM₁₀ and PM_{2.5}). Therefore it is necessary to consider such activities and how they may impact on local air quality at the nearest sensitive receptors. If this shows the impact as insignificant then no

further more sophisticated techniques will be required to determine in more detail what the magnitude of the impact on local air quality will be. The requirement for the screening assessment may be implemented by way of a condition.

114. *Environment, Health & Consumer Protection (Noise)* – raise no objection to either application subject to conditions including setting appropriate noise levels and requiring the use of broadband reversing alarms to reduce the noise transmission is applied to any grant of planning permission.
115. *Environment, Health & Consumer Protection (Contaminated Land)* – raise no objection. Officers are satisfied with additional information provided within the report. It provides further confidence with regard to the volumes of groundwater within the strata and also what is expected during deepening works. However, queries are raised regarding slope stability, implications of rising mine water and possible seepage, locations of site investigations, gas monitoring and potential for gas, the use of inert material for remediation. Conditions had been requested relating to a requirement for a gas risk assessment and mitigation, procedures to deal with unexpected contamination, a remediation strategy detailing the proposed material to be used for the remediation works. However, following further information from the applicant these are no longer requested.
116. *Landscape* – raise no objection to either application. Officers consider that there would be no significant effect on national or local landscape designations nor would they have a significant effect on the openness (generally taken to mean the absence of built development) of the green belt during its operation or following restoration. Subject to certain restoration details being required through condition officers do not consider that the proposals would be in material conflict with policies dealing with landscape and visual issues.
117. *Ecology* – raise no objection to either application following the submission of further information on great crested newts, survey methodology, survey area and results within the quarry void. Officers have no objection to the stabilisation works within the quarry providing that the great crested newt working method statement provided is adhered to and that monitoring of its efficiency is carried out as works progress and if need be appropriate adjustments are made and a recording of newts found during site clearance works and where they are moved to, the subsequent results to be provided to the Local Authorities in Durham and Gateshead. With regard to other species and habitat discussed and considered within earlier reports such as nesting birds, vegetation and invertebrates and impacts caused by the slope stabilisation works, again officers have no objections providing suitable working method statements contained in earlier reports are adhered to.
118. *Design and Conservation* – raise no objection to either application. It is noted that there are no designated assets within the vicinity on the County Durham side that will be impacted on. There are two non-designated assets within close proximity of the former quarry on the County Durham side, Low Urpeth Farm and Ouston Bank Farm. It is considered that the harm to the two properties would be limited as both groups of buildings tend to be orientated facing the south west, there is a reasonable distance between, and the hedgerows and trees between and along the boundary (which will be retained and maintained as part of Condition 41) will help screen the former quarry. It would not be contrary to NPPF Paragraph 135 that deals with non-designated assets, the use can be fully justified. It is however important to ensure the existing trees and vegetation along the boundaries continued to be properly maintained in the future to help screen the former quarry. This vegetation at present provides an attractive backdrop to the non-designated assets.

119. *Archaeology* – raise no objection to either application subject to conditions to ensure that an agreed programme of archaeological work is carried out to an agreed schedule of works for the western part of the site and the depositing of any report produced. Officers advise that the planning applications may impact potential non-designated heritage assets of an archaeological nature during the westward expansion of the quarry towards Urpeth Bridge. It is noted that the ES includes a cultural heritage chapter assessing the current known heritage assets and the potential for unrecorded assets assess the impact upon them. It concludes that there will clearly be a high impact on any archaeological assets within the western zone, but that based on the current baseline data the potential for any significant unknown heritage assets is low. It is noted that there has been very little archaeological investigation in the area of the quarry so it is considered that the conclusions must be weighed accordingly.

120. *Access & Public Rights of Way* – raise no objection to either application. Officers advise that the proposals do not appear to affect Public Footpath No. 44 (Urpeth Parish) which abuts the site.

PUBLIC RESPONSES:

121. The applications were advertised by site notice in a number of locations and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. Additional publicity was undertaken upon receipt of additional environmental information. No public representations have been received.

APPLICANTS STATEMENT:

122. The above applications for planning permission have been submitted by Ibstock Brick (1996) Limited (Ibstock) - the owner and operator of Birtley Quarry and the adjoining Union Brickworks.

123. The first application has been submitted to:

- add to the permitted clay reserves by increasing the depth to which mineral extraction may take place and also regularise a limited extent of extraction which has taken place below the currently approved depth limit;
- regularise the past and future extraction of mineral from small areas on the northern boundary and southern site boundaries which are currently excluded from the area approved for working;
- defer the end date for mineral extraction from 1st May 2020 to 13th February 2044;
- defer the date for final restoration from 1st May 2022 to 13th February 2046; and
- carry out a programme of phased restoration in accordance with an alternative scheme.

124. The second application has been submitted to enable Ibstock to carry out remediation works, using recovered inert waste materials, to achieve suitable and stable restoration profiles for the northern and southern faces of the quarry.

Benefits

125. The proposed scheme will:

- help to maintain the viability of the Union Brickworks and the associated jobs and inputs to the local economy;

- enable the slope remediation works which are necessary to ensure that the quarry is restored to a stable and suitable condition; and
- enable the site to be restored and managed in accordance with the Great North Forest initiative - with enhanced value to nature conservation and opportunities for public access.

Environmental Effects

126. The Environmental Statement which accompanies the applications includes assessments of potential effects (e.g. landscape and visual, noise, traffic, ecology, ground and surface water, land stability, contamination, air quality, soils, cultural heritage, amenity and socio economics) and finds that the mitigation proposed as part of the scheme will be effective in minimising residual adverse effects to an acceptable degree.

Planning Policy

127. The Government requires Mineral Planning Authorities to give great weight to the benefits of the mineral extraction (including to the economy) when determining planning applications.

128. The National Planning Policy Framework (NPPF) also considers brick clay to be a mineral of 'local and national importance'.

129. By addressing the slope stability issues (which could impair future quarry operations) and by avoiding the sterilisation of reserves which exist below the currently approved depth of working, the proposals clearly accord with both national and local planning policies in these respects.

130. The proposed development falls to be considered by Durham County Council as sustainable development (as defined in the NPPF). In these circumstances the Government advises the County Council to:

- pay regard to the presumption in favour of such development; and
- approve such applications without delay.

Close

131. For these reasons Ibstock Brick respectfully requests that planning permission be granted following the execution of a suitable Planning Obligation and subject to appropriate conditions.

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:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

132. 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 considerations, including representations received, it is considered that the main planning issues in this instance relate to principal of the developments (mineral and slope stabilisation using waste materials) including development in the Green Belt, the effects of the development on residential amenity (noise, air quality and dust), landscape and visual impact, biodiversity interests, cultural heritage,

recreational amenity, agricultural quality and use, alternatives and stability, hydrology, flood risk and hydrogeology, access and traffic, cumulative impact and planning obligations.

Principle of the Development

Mineral extraction

133. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
134. In considering an application for a change to a planning permission under S73, the Development Plan and any material considerations under Section 38(6) of the Planning and Compulsory Purchase Act are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
135. The principle of mineral extraction exists at the site and the current application seeks to vary conditions to permit the continued winning and working of permitted reserves and additional reserves. Permitted reserves at the site would not be worked in the remaining period of the permission meaning that this mineral would be sterilised unless working over a longer period is allowed. Cessation of mineral extraction would have repercussions for the Union Brickworks and material is needed to maintain an ongoing supply to the works. Furthermore, since the current planning permission for Birtley Quarry was granted, additional ground investigation has confirmed that the depth of clay is deeper than previously estimated and that additional mineral reserves are therefore present below the currently approved limit of excavation.
136. The proposals would allow the extraction of remaining permitted mineral reserves (647,000m³) along with the extraction of additional reserves of 116,300m³ by 13 February 2044 based on the predicted annual rate of extraction (25,000m³ per annum). Mineral extraction would continue to take place within the approved planning permission boundary but would regularise where working has taken place outside of the identified permitted extraction boundary. Deeper extraction is also proposed, again within the previously approved planning permission boundary. No on site processing of the extracted mineral would take place and all storage of mineral, soils and overburden would be within the Gateshead permission area. MLP Policies M50 and M51 are therefore not applicable to the variation of condition application.
137. The MLP does not specifically address further mineral working at Birtley Quarry as it does with other sites because at that time it was considered unlikely that additional reserve would be needed.

138. MLP Policies M1, M3, M12 and M46 are pertinent to the winning and working of minerals in this location. Policy M1 relates to maintaining a landbank of brick making raw materials throughout the Plan period of at least 15 years, this applies to all brickworks in the County and not just Eldon and Todhills Brickworks (for which specific allocations were made). MLP Policy M1 is not consistent with the NPPF as Paragraph 146 of the NPPF requires that a 25 year supply of brick making raw materials be identified and maintained for each brick manufacturing unit. Without an extension of time beyond 2020 Union Brickworks will not have a 15 year landbank of brickmaking raw materials in accordance with MLP Policy M1 or a 25 year landbank as specified by Paragraph 146 of the NPPF and existing permitted reserves would not be able to be extracted.
139. MLP Policy M3 is relevant in relation to the deepening of the existing mineral working and regularisation of the permission to include worked areas outside of the boundary of the site constitutes an extension. Policy M3 specifies that extensions to mineral workings will be allowed under allocations made in specific policies and subject to specific criteria some of which are no longer relevant as the plan period has lapsed or are not applicable due to geography. Criteria a), c) and d) are relevant relating to the requirement that additional working will not lead to any material requirement for increased plant capacity or road traffic"; criterion and that it would not have a material impact upon the landscape, ecology and other features of nature conservation importance and it will have no other significant additional adverse impacts". Although elements of Policy M3 are dated the Policy is considered consistent with the NPPF and therefore should carry some weight in the decision making process. Policy M3 is also considered to be broadly consistent with the Planning Practice Guide which provides specific advice around the circumstances where it would be preferable to focus on extensions to existing sites rather than plan for new sites. It advises that the suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits, taking into account issues such as: need for the specific mineral; economic considerations (such as being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure); positive and negative environmental impacts (including the feasibility of a strategic approach to restoration), and the cumulative impact of proposals in an area. The environmental impacts of the proposal are considered in this report.
140. MLP Policy M4 is consistent with the NPPF as it provides encouragement and support by preferring the use of waste and recycled materials for other works projects where this is technically and economically feasible. Policy M4 will help facilitate the sustainable use of minerals.
141. MLP Policy M12 is relevant as it relates to proposals outside identified areas (consistent with national policy) and is complementary in use to MLP Policy M3. It is permissive towards proposals for mineral extraction where one or more of a number of criteria apply, including where it is an extension to an existing mineral working (in accordance with MLP Policy M3) and it is required to meet an established need, which cannot be met from existing permissions or from within an area of search or preferred area. Given the nature of the material used at the Union Brickworks (i.e. glacial clay) it is considered that the established need cannot be met by alternative permissions or areas of search at Todhills Brickworks or Eldon Brickworks (which both use coal measures mudstone rather than glacial clay).
142. The MLP sought to safeguard mineral resources and prevent the sterilisation of significant quantities of mineral deposits through the designation of Mineral Consultation Areas. Preventing the sterilisation of mineral resources through the

grant of planning permission to allow future extraction would comply with the spirit of the County Durham Minerals Local Plan and also accord with NPPF requirements.

143. Paragraph 144 of the NPPF is clear that when determining planning applications local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy. In addition they 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.
144. The NPPF identifies brickclay (especially Etruria Marl and fireclay) and shallow and deep-mined coal as being minerals of local and national importance. These being minerals which are necessary to meet society's needs.
145. In policy and mineral supply terms there is significant merit in granting planning permission to allow an extension of time to allow the full recovery of existing permitted reserves at Birtley Quarry. This would provide for the continued availability of glacial clay to meet the future needs of the Union Brickworks thereby helping to ensure the supply of brick and tile products to the North East and wider markets, helping to retain/safeguard existing employment at the quarry and brickworks and through ensuring that Birtley Quarry is restored to a safe and stable condition. The proposal would conflict with MLP Policy M1 in that a greater landbank than specified in the Policy would be created, but it would be in line with that specified in the NPPF to which greater weight is to be afforded. In principle, MLP Policies M3 and M12 would support an extension to the existing quarry. The proposal would seek to ensure that there is a sufficient supply of material to provide for the County's need in accordance with Paragraphs 142 (which relates to facilitating the sustainable use of minerals) and 146 (which relates to industrial minerals such as brickclay) of the NPPF.
146. To enable monitoring and assist the Minerals Planning Authority in the forward planning to maintain future supplies of brick making raw material a condition would require the annual submission of details of reserves and sales and identify the extent of the landbank of mineral until workable reserves are exhausted.

Slope stabilisation using waste materials

147. The Waste Management Plan for England (December 2013) advocates the movement of waste up the waste hierarchy in line with the requirements of the revised European Waste Framework Directive (WFD) as set out in National Planning Policy for Waste (NPPW) (October 2013) and PPG. Reflecting the Waste (England and Wales) Regulations 2011 (which transpose the WFD) the Waste Management Plan for England requires an increase of material recovery to at least 70% by weight of non-hazardous construction and demolition waste (CDEW) (excluding naturally occurring materials) by 2020. Therefore, CDEW should be being moved up the Waste Hierarchy as stipulated by Appendix A of NPPW.

148. The strategy for the WLP reflects the principles of national guidance that decisions on waste proposals should be guided by the waste hierarchy which encourages reduction, re-use and recovery of waste as a resource, before consideration is given to disposal as landfill. The waste hierarchy was updated in 2011 to incorporate changes in the revised WFD (2008/98/EC). This encourages prevention before preparing for re-use, recycling, other recovery and finally disposal as a last resort. Policies contained in the WLP remain relevant and refer to moving the management of waste up the waste hierarchy without specifying the stages. In line with national policy and guidance (and the WFD) the WLP seeks to drive waste management up the waste hierarchy (set out in Appendix A of NPPW) and achieve sustainable development and resource use whilst protecting the environment and human health.
149. NPPW streamlines previous waste planning policy and provides a clear framework to enable waste planning authorities to work collaboratively with their communities and consider, through their Local Plans, what type of waste facilities are needed and where they should go, while also protecting the local environment and local amenity by preventing waste facilities being placed in inappropriate locations. Moreover, the new policy strengthens and underlines the Government's commitment to protecting the Green Belt from development, bringing national waste planning policy into line with the NPPF, which makes clear that most types of new development constitute inappropriate development and should only be approved in the Green Belt in very special circumstances.
150. The principle focus of the proposed development is the 'winning and working of minerals'. However, the proposed slope stabilisation works involve the deposit of imported inert waste material. Policies contained in the WLP relating to waste development are therefore applicable.
151. WLP Policy W2, consistent with the NPPF, requires that new waste development proposals demonstrate that there is an established need for the facility and would contribute to the sustainable waste strategy having regard to existing provision and whether the facility would move waste up the hierarchy and meet the proximity principle. It also states that excessive provision which would result in unnecessary importation of waste into County Durham will not be permitted. In the context of Policy W2 the applicant argues need for the importation of recovered waste is different to the traditional consideration of need for waste development in the context of the WLP. It is considered that the imported 'recovered waste' is to help stabilise the northern and southern slopes of the quarry would seek to prevent future failure of the bank of the River Team and Urpeth Burn and inundation of the quarry. This is a key benefit of what is being proposed. The material to be used for the stabilisation works appears suitable and would be a substitute for onsite material which could be used for brick manufacture or elsewhere for the restoration of the site and a more appropriate substitute for any imported primary aggregate material.
152. WLP Policy W3 relating to environmental protection is consistent with the NPPF and requires new waste development to protect and enhance the natural and built environment and the living conditions of local communities. This is considered under residential amenity below. Policy W54 relating to reclamation is consistent with the NPPF and seeks to ensure that planning applications for waste development should include proposals for the satisfactory reclamation of the site through conditions, planning obligations or other legal agreements.
153. It is proposed that approximately 149,000m³ or 267,600 tonnes of inert waste material would be required for the stabilisation of two areas within the quarry void over a two year period. This waste is of a type that may be recycled or re-used and would be suitable for restoration purposes on other mineral and waste sites.

Planning applications involving the importation of waste generally raise concerns as to whether or not sufficient waste material would be available to achieve the works proposed given a background of increased recycling and reduced volumes of recyclable material going to landfill. Concerns are also generally raised regarding the impact of additional sites upon existing permitted sites. Due to the challenging diversion targets set out in the Waste (England and Wales) Regulations 2011, there will be competition from a number of sites both within the County and in the region for inert waste for use in restoration. The timescales involved in restoration will naturally increase because of the reduction in material available due to increased recycling. This will have implications for the achievement of a satisfactory restoration at sites permitted to accept such waste as well as for approved and proposed contours to be achieved.

154. However, in this case the options for dealing with slope instability are limited and it is proposed to import the minimum quantity of material in order to achieve a stable and acceptable landform which would be stable during ongoing clay extraction and following restoration. Given it is imperative that the stability works are undertaken in a relatively short time period and alternatives have been considered and dismissed, it would not be in the applicant's interests to delay in undertaking the works. The need to undertake the stabilisation works has also been demonstrated. Given that there are still large quantities of construction industry and demolition wastes being landfilled, and the contribution that recycled construction and demolition waste is expected to play in place of primary aggregates, the proposal would accord with MLP Policy M4. In the circumstances of this particular proposal it is considered that the principle of using inert waste material for slope stabilisation is acceptable.
155. Whilst the creation of additional landfill capacity for waste materials that could be re-used or recycled would not accord with WLP Policies W2 and W46 in terms of its contribution to a sustainable waste management system for the County, some of the materials may be screened at other sites prior to final disposal and the material would be used to achieve an acceptable landform upon restoration. For the activities of importing and using inert materials on the proposed site, the applicant would need to apply for the relevant environmental permit issued by the Environment Agency.
156. To enable the Waste Planning Authority to monitor inert landfill capacity should planning permission be granted a condition requiring the submission of details of the quantity and type of waste imported to the site would be imposed.

Development in the Green Belt

157. The proposed slope stabilisation works are necessary to prevent future stability problems. Arguably they could be considered to be engineering works, but as they involve the deposit of imported inert waste material they are being considered as waste development. These works would take place within the existing quarry void over a two year period coinciding with mineral extraction when it takes place on a campaign basis.
158. Birtley Quarry is located within the North Durham Green Belt. CLSLP Policies NE3 (considered consistent with the NPPF), NE4 and NE6 (considered partially consistent with the NPPF) are relevant given the location of the site within the North Durham Green Belt. WLP Policy W10 seeks to sets out how proposals for waste development within the Green Belt will be determined only permitting the deposit of waste for the restoration of mineral voids where it maintains the openness of the Green Belt and does not conflict with the purposes of including land within it and in all instances high environmental standards must be maintained and the site should be restored within an acceptable timescale. WLP Policy W10 is not consistent with

the NPPF as previous exemptions for waste development no longer apply due to a change in national policy. Paragraph 6 of NPPW makes clear that Green Belts have special protection in respect to development and suggests that waste development is inappropriate and opportunities should be explored outside the Green Belt.

159. Paragraphs 87 and 88 of the NPPF seek to protect Green Belts from inappropriate development unless there are 'very special circumstances'. These 'very special circumstances' will only exist when any harm is clearly outweighed by other considerations. Paragraph 90 of the NPPF goes on to state that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These certain forms of development include mineral extraction and engineering operations. Slope stabilisation works involving the importation of waste material is not listed in Paragraph 89 of the NPPF and therefore represents inappropriate development in the Green Belt.
160. Mineral extraction is not an inappropriate form of development in the Green Belt provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt (these purposes are included at Paragraph 80 of the NPPF). The MLP does not include a specific policy in respect of Green Belt. The principle of mineral extraction exists at the site and the current application seeks to vary conditions to permit the continued winning and working of permitted reserves and for the extraction of additional reserves, the planning permission boundary itself would not be altered should planning permission be granted for the variation of conditions application, just the extraction boundary and depth of working.
161. The proposed development is not, in principle, incompatible with CSLP Policy NE4 as the winning and working of minerals is not inappropriate development in the Green Belt provided that high environmental standards are maintained and the site is restored to the satisfaction of the Mineral Planning Authority and to a use which preserves the openness of the Green Belt. CSLP Policy NE6 requires that the visual amenities of the Green Belt are not injured. Landscape and visual impact is considered below. Consideration is given as to the impact of the development on the openness of the Green Belt and whether or not it would conflict with the purposes of including land in it within the landscape and visual impact section of this report. The proposed winning and working of minerals at this site could accord with both of these Policies.
162. The restoration proposals form part of the mineral extraction proposals and therefore would not be inappropriate in the Green Belt subject to their impact on openness and the purposes of including land in the Green Belt. The proposed restoration scheme is for a water body as per the currently permitted scheme. The proposed restoration scheme is an amendment of that previously permitted and is considered as being not inappropriate development and would assist in preserving the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt.
163. In accordance with Paragraph 87 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Given the above, consideration has been given as to whether there

are any very special circumstances that would outweigh the harm to the Green Belt from the proposed slope stabilisation proposals which involve the deposit of inert waste material. This is considered later in this report.

Residential Amenity

164. The closest property to the site is White House approximately 114m to the west of the quarrying permission site boundary and within County Durham. Bewicke Main Caravan Park lies some 450m to the west at Urpeth Bridge with two industrial premises closer. Properties in Low Urpeth are some 460m from the site and the closest properties in Birtley are approximately 530m from the site. Gateshead Council has granted outline planning permission for 289 houses on the former BAE site on the opposite side of the railway (DC/11/00546/OUT issued in October 2012). This planning permission boundary is approximately 220m to the south east of the quarry application boundary. The indicative layout plan submitted with that application showed housing approximately 300m to the south east of the quarry and that area closest to be landscaping due to the shape of the planning permission boundary in that area. This planning permission has not yet been implemented. Reserve matters are required to be submitted no later than October 2017.
165. There are no existing groups of 10 or more residential properties in the vicinity of the site therefore the proposals would not conflict with MLP Policy M37. The principal effects of working on residential amenity would be in respect to noise, dust and visual impact. Blasting is not proposed.

Noise

166. Government guidance (as contained in the Planning Practice Guidance which reaffirms advice contained in the now withdrawn Technical Guidance to the NPPF) 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 would 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.
167. The Planning Practice Guidance 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. The Planning Practice Guidance 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.

168. A noise assessment has been carried out as part of the proposals, the results of which are contained in the ES. Monitoring was undertaken at The White House, where the recorded background noise level was between 42dB – 47dB LA90. Noise generated from the development would vary as operations progress across the site. Predictions have been made for The White House and surrounding receptors (Urpeth Bridge, Low Urpeth, Ouston and Kibblesworth) during the continued site operations. A noise limit of 53dB is proposed for The White House. The predicted level for normal operations ranges between 33dB and 53dB which includes slope stabilisation works. Predicted noise levels (based on a 'worst case scenario') indicate that at The White House normal site operations would not exceed the nominal limits of 55dB(A) LAeq1h but could be 11dB(A) (10dB(A) is specified in the Guidance) above measured background levels when mineral extraction is taking place in the western part of the quarry. Predicted levels for temporary operations are 53dB. Although a level of 70dB is referred to in the Planning Practice Guidance in this case based on the predications it is considered that a level of 57dB would be appropriate. The noise levels predicted at the other receptors are overall below those predicted for The White House.
169. The assessment submitted with the applications concludes that the continued operation of the quarry is expected to result in noise levels generally below the derived noise limit but where there is an excess (1dB(A)) it would not be significant and within the tolerances set out in the Planning Practice Guidance. As a result no specific mitigation measures are proposed to control noise from the continued operation of the quarry.
170. Having regard to the nature of operations it is accepted that there would be notable changes in some local noise levels during the life of the site especially during temporary operations and mineral extraction in the western part of the site which could have the potential to cause nuisance to the residents of The White House. However, the predictions are based on worst case scenarios and predictions are for 1dB above the recommended level for mineral extraction in the western part of the site and for soil stripping in the western part of the quarry (soil stripping is temporary work which would be limited to 8 weeks in any one year and would be within acceptable levels as specified in Planning Practice Guidance) and is considered acceptable in this particular instance. In addition the site is a continuation of operations currently taking place at the site. Through condition noise levels would be specified and a noise action plan required.
171. The importation of waste for slope stabilisation purposes would take place for a period of approximately two years. The stabilisation works would, at times, take place concurrently with mineral extraction and has the potential to create additional noise. As stated above the proposed works have been factored into the noise assessment. Stabilisation works would also take place outside of the extraction campaign and the noise assessment predicts a level of 42dB.
172. The Gateshead stocking permission includes a condition specifying that noise levels generated by operations within the stockpiling area when measured at the nearest noise sensitive receptor shall not exceed existing background levels by more than 10dB(A) subject to a maximum of 55dB LAeq, 1h (free field) during normal daytime hours (07:00 – 19:00 hours) and existing background levels by 10dB(A) in the evening (19:00 – 22:00 hours) subject to a maximum of 42dB LAeq, 1h (free field) at night time.
173. The Planning Practice Guidance does not provide guidance on appropriate noise levels for recreation areas. Previous Government Guidance (MPG11) recommended a noise level of 65dB Leq,1hr during the working day. The submitted noise

assessment does not assess noise levels on the footpaths around the site but it is likely that the noise levels would be below this level. Given there is no limit specified in the NPPG and measures would be put in place to mitigate noise levels (such as fitting of silencers on plant and machinery) from the site, it is not necessary for such an assessment to be undertaken. It is therefore considered that the impact of noise from the proposed development would not have an unacceptable impact upon the recreational value of the countryside, and the proposal would not conflict with MLP Policy M35.

174. Environment, Health & Consumer Protection officers have no objections to either application subject to appropriate conditions. In view of this and given suitable controls would be put in place to ensure that these limits are adhered to, it is considered that the mineral proposals would accord with MLP Policy M36 (considered consistent with the NPPF and therefore afforded appropriate weight) and with Paragraphs 123 and 144 of the NPPF. The slope remediation works would be compliant with WLP Policies W3 and W33 (both considered consistent with the NPPF) and Paragraph 123 of the NPPF.

Air Quality and dust

175. Mineral sites give rise to dust issues through soil stripping and placement, overburden removal and placement as well as during mineral extraction and the intensity of activity associated with that movement can contribute significantly to the increased potential for dust emissions. It is also 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. It is proposed that during the operational phase standard mitigation measures would be employed to control the generation of fugitive emissions and be included in a dust management scheme for the site. The site manager would assess the potential for dust to be emitted during site activities as part of a formalised environmental risk assessment in advance of any work commencing. The submission of a dust management scheme and use of appropriate dust suppression can be required through condition.
176. Environment, Health & Consumer Protection officers consider a number of conditions to be appropriate relating to the submission of a dust action plan, a desktop screening exercise to determine the impact on local air quality pollutants (particulates -PM10 and PM2.5) from quarrying operations on receptors in the vicinity of the quarry site, requirement for dust suppression measures and cessation of operations should measures not be sufficient or monitoring results show elevated dust or air quality pollutant levels.
177. In terms of mineral extraction, suitable controls would be put in place to ensure that dust levels are minimised, and as such, it is considered that the proposal would accord with MLP Policy M36 and with Paragraphs 123 and 144 of the NPPF.
178. It is proposed that HGVs would drive through the stocking area and into the quarry to deliver the waste materials for the slope stabilisation works. Prior to placement the material would be screened using mobile plant. This has the potential for dust generation but with the resurfacing proposed and the use of mitigation measures such as water sprays to maintain surface moisture on haul roads and appropriate vehicle speeds the potential would be minimised. Other potential sources of dust are the screening of incoming waste materials and its placement. Again, suitable controls would be put in place to ensure that dust levels are minimised. It is considered that the proposal would accord with WLP Policies W3 and W33 and with Paragraph 123 of the NPPF.

179. There is potential for some disturbance to the residents of The White House and to users of the local footpath network during mineral extraction and during slope stabilisation works. However, having considered the impact of the proposed development on residential amenity in terms of noise for both developments it is considered that the impacts can be controlled through conditions setting limits and requirements to mitigate any adverse effects thus according with MLP Policy M36 and WLP Policies W3 and W33 and with Paragraphs 123 and 144 of the NPPF and advice contained within the Planning Practice Guidance. In terms of air quality and dust for both developments, given the mitigation measures proposed it is also considered that the proposal would accord with MLP Policy M36, WLP W33 and Paragraphs 123 and 144 of the NPPF.
180. When considering the planning application for the continued stockpiling and works to enhance the adjacent local wildlife site Gateshead Council considered the impact upon the outline planning permission for housing on the former BAE site on the opposite side of the railway. Gateshead officers noted that as part of the housing application a robust noise assessment was carried out and officers were satisfied activities from the stockpiling area would not cause any amenity issues for future residents. In turn they were satisfied that the operations of the quarry, and in this case the stockpiling area, would not be compromised by the residential development. They noted that a noise assessment had also been submitted with this application and does not raise any significant issues and with conditions controlling noise levels and working hours it was considered the continued stockpiling of materials on the site would not harm the amenity of future residents and does not conflict with the relevant paragraphs in the NPPF and local plan policies.

Landscape and Visual Impact

181. The County Durham Landscape Character Assessment (2008) shows the site as lying within the Wear Lowlands County Character Area which forms part of the larger Tyne and Wear Lowlands National Character Area. It lies in an area belonging to the Lowland Valley Terraces Broad Landscape Type in the Western Valley Terraces Broad Character Area. It lies on flat low lying land on the floor of a broad glacial valley drained by the Rowletch Burn and the River Team. It forms part of a tract of working and restored clay pits west of the East Coast Main Line and south of the River Team. To the west lies open farmland. To the east the site is separated from Birtley by a corridor of industrial land following the East Coast Main Line.
182. The site is identified in the Landscape Character Assessment as local landscape type 'Mineral Workings' and sub-type 'Clay Pit'. The greater part of the site is made up of the existing quarry void. This is largely bare of vegetation but contains some areas where pioneer vegetation of open grassland and scrub has begun to colonise. South and west of the void are areas of undisturbed improved pasture. In the north of the site a narrow corridor of riparian woodland follows the River Team which forms its northern boundary. In the south-west of the site the boundary is followed by a narrow belt of deciduous woodland which is followed by Public Footpath No. 44 (Urpeth Parish) immediately beyond the site boundary. In the south east the boundary follows the course of the Urpeth Burn beyond which lies the Woodland Trust's Bright Lea Wood community woodland.
183. The site is not covered by any national or local landscape designations.

184. That part of the site falling within County Durham lies in an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area where the strategy is to 'restore or enhance' landscape character which reflects its current land use. Key objectives being to conserve, enhance and restore characteristic features of the valley landscape, increase woodland cover, to restore mineral workings in a way that strengthens landscape character and enhances biodiversity, encourage the creation of new wetland habitats and particularly ponds and reed beds and to create accessible natural green space close to towns and villages.
185. The site is visible in near views from the footpath following the south-western boundary Public Footpath No. 44 (Urpeth Parish) although generally screened or heavily filtered by trees. It is visible in some more open views from the edges of Bright Lea Wood. It is generally screened in middle distance views by vegetation and topography. Parts of the site are visible locally in distant, and typically shallow, views from the north and south. Western parts of the site are visible from areas of higher ground to the east including views from some residential buildings and public vantage points in and above Birtley.
186. The submitted landscape and visual impact assessment concludes that no significant landscape and visual impacts are identified within any of the development phases or from any of the representative viewpoints and as a result no landscape or visual impact mitigation is considered necessary or proposed. In terms of landscape impact the assessment notes that the relative scale of the proposals are not anticipated to have an effect on the wider landscape character due to the nature of ongoing operations, relative screening provided by topography, surrounding vegetation and influence of surrounding industrial land uses. Given that there would be no loss to valuable landscape features and existing works would continue in line with the current permissions the assessment considers that the character of the landscape would not alter significantly. Although it is acknowledged that proposed restoration to a waterbody would be a change this would only influence landscape character at a local level. In terms of visual impact the assessment it is noted that views of the site are limited to elevated locations primarily to the east. Temporary short term views of plant and machinery are highlighted as giving rise to the most significant impacts but these would generally be in line with the existing quarry operations, including storage mounds which would be located within Gateshead and for which planning permission has been granted. Due to natural screening available views of the restored site would be at a distance that detail would not be readily acknowledged. The restored site would be beneficial to contributing to the natural character.
187. During the operational stage there would be short term landscape and visual disruption but this would be relatively well contained and significant adverse physical and visual impacts would be limited. Operational measures are proposed that would reduce visual impacts during the working stage of the scheme. Restoration measures are proposed to return the site to a condition that reflects its characteristics while providing ecology and landscape enhancements which would benefit both the site and wider landscape character in the future.

Effects on landscape features

188. The permitted extraction would entail a substantial modification to the natural topography; however the principle of extraction exists. A large permanent waterbody is proposed upon restoration and would provide a workable basis for a satisfactory restoration being a practical solution to the restoration of a large void without the importation of waste.

189. The proposed landform of the waterbody includes a variety of margin treatments that should be reasonably robust and safe. Gateshead Council officers consider that the proposed margin treatment is relatively uniform in places. Given the scale of the void it would be difficult to introduce significantly greater variety without either foregoing a large quantity of mineral or importing a commensurate quantity of waste. Given the long term nature of the proposals restoration details, including details of the margins of the waterbody could be agreed through condition.
190. No mature trees or woodlands would be lost but there would be a loss of early successional grassland and scrub within the void. This is typical of the progressive working of longer term mineral sites and would not be significant as a landscape effect.
191. Gateshead Council officers are concerned that there are no explicit proposals to improve or restore watercourses in the site including the Urpeth Burn which has been modified and lined in places. Given water quality and flows in the burns may change over time which may give greater scope for localised improvement or restoration in future, should planning permission be granted it would be appropriate to require details for a programme of localised restoration works to the burns to be agreed at a later stage by condition.

Effects on landscape character

192. The operation of the site would have some adverse effects on the character of the landscape during the extraction period in respect of the introduction of elements typical of mineral working such as tracts of bare ground, engineered landforms and vehicle operations. Much of the effect would be a consequence of development already permitted but the proposals would extend the period over which that occurred but would not change the visual characteristics of the operation of the site to a significant degree.
193. The effects of the proposals on the wider landscape would be low. While parts of the void, and operations within it, would be visible in some views from higher ground, it would typically be a relatively modest feature in panoramic views of a diverse and visually complex semi-rural landscape.
194. The largest effect would be in open views from high ground such as the B1296 Long Bank and footpaths and bridle paths on Eighton Banks. In these views the bare material of the extraction face and operations in that area during extraction campaigns would be visible. The site is a notable feature in the view, but being on low ground, and being for the most part a relatively static and passive feature. Landscape officers assess the visual effect of an extended period of operation as being of a low to medium magnitude and the effect on the overall character of the landscape of the Team Valley in the round as being low, and therefore not significant, due to the otherwise high degree of visual containment and the moderate impact in these localised open views.
195. On restoration the waterbody would be an attractive feature in near and distant views and in keeping with the character of the wider valley floor. There would be some public access to the southern fringes of the wetland with localised hides but access would be restricted elsewhere. Providing for greater public access is a matter that could be revisited in the future: the proposals provide a workable restoration strategy for the site in the current circumstances. The proposals would be broadly consistent with the Landscape Strategy and relevant objectives.

Effects on Green Belt

196. Landscape officers consider that the proposals would not have a significant effect on the openness (generally taken to mean the absence of built development) of the Green Belt during its operation or following restoration.

Visual effects

Settlements and residential properties

197. The closest residential property, The White House, is approximately 114m to the west of the quarrying permission site boundary. Due to intervening vegetation and topography no significant effects are anticipated. The western part of the site in particular and some operations within it are likely to be visible from some properties and vantage points with parts of Birtley, but at sufficient distance and in such visually complex views as to not have a significant effect on residential amenity.

Public rights of way and access land and roads

198. Site operations and extraction areas would be visible in near views from Footpath No. 44 (Urpeth Parish) on the south-western boundary, although generally screened or heavily filtered by trees, and in more open views from the edges of Bright Lea Wood. This would have some adverse impact on the visual amenity of users but those effects would be localised. The site would be visible from footpaths and bridle paths on Eighton Banks at greater distance. The effect on the visual amenity of footpath users would be of a low to medium magnitude.
199. The proposals would be generally screened in views from the road network by vegetation and topography. The western part of the site and operations within it would be visible from the B1296 Long Bank. The effect of the operations extending over a longer time period would on the visual amenity of road users would be of a low to medium magnitude.
200. There would be some impact upon landscape character and on the visual amenity of users of local footpaths over the life of the site. There would be limited visibility of the site from the nearest residential properties in Birtley but it is not considered that these would have a significant effect on residential amenity. Visual intrusion would be to an acceptable level. Landscape officers raise no objection to either application requiring certain restoration details to be submitted at a later date.
201. Subject to the matters discussed above which through condition can be considered in the future given the timescale for restoration, it is considered that the mineral extraction proposals would not conflict with MLP Policies M24, M35 and M36 (all considered consistent with the NPPF and therefore afforded appropriate weight) dealing with landscape and visual issues and Paragraph 144 of the NPPF and Part 11.
202. Continued extraction and associated restoration would not be inappropriate development in the Green Belt and no significant effect on the openness of the Green Belt has been identified. It is therefore considered that these works would not conflict with the purposes of including land in the Green Belt and would not conflict with CLSLP Policies NE3, NE4 and NE6 and Paragraph 90 of the NPPF.

203. The slope stabilisation works would not, it is considered, conflict with WLP Policy W3 and Part 11 of the NPPF. Consideration of the proposed slope stabilisation works and very special circumstances in the Green Belt are considered below.

Biodiversity Interests

204. No statutory nature conservation designations lie within the site. Within County Durham Team Woodlands Local Wildlife Site (LWS) lies some 63m to the west of the application boundary with Walters Wood LWS some 925m to the south west. Immediately to the east of the site, within Gateshead, is the Birtley Union Brickworks LWS. 345m to the north beyond the sewage treatment works is Lamesley Sewage Works Reed Bed LWS and Bowes Valley Nature Reserve.
205. An assessment of the potential effects on ecology associated with the proposed scheme has been undertaken. The scheme is located within a site with a history of quarrying operations. As such, the scheme is consistent with and would not significantly alter the established prevailing baseline ecological conditions.
206. The design process has ensured the protection and retention of existing features of highest ecology and nature conservation values, as well as enhancement of the Birtley Union Brickworks LWS through new pond creation and the potential subsequent beneficial impacts on the Great Crested Newt population. As such, the scheme would not impact the on-site Birtley Union Brickworks LWS, River Team or Rowletch Burn wildlife corridors. With mitigation, no significant residual adverse effects are predicated for ecology and nature conservation.
207. The passive restoration of the site to a nature conservation end-use is an integral component of the scheme with the potential to result in significant biodiversity gains over the medium to long term. A long term Habitat Management Plan would be developed for the restored site, including measures to protect and enhance habitats with the LWS to provide a mechanism by which these gains can be monitored and appropriately managed following site restoration.
208. A number of ecological surveys of the application sites and immediate vicinity were undertaken prior to consideration of the applications. The site mainly comprises an active quarry with associated haul roads as well as undisturbed agricultural land. The habitats associated with the site include improved grassland (agricultural area yet to be disturbed), ephemeral/short perennial vegetation colonising on previously worked areas of the quarry, semi-improved calcareous grassland on previously quarried slopes to the south and east of the currently quarried area, areas of flush as well as open water within the void and semi natural broadleaf woodland along the course of the River Team to the north of the quarry and along the Rowletch Burn to the east. The habitats associated with the site are considered to be either of district or local value for ecology and nature conservation.
209. Three plant species of district importance were recorded with the remainder being of local and ecological and nature conservation value. Great Crested Newts, on site along with other amphibians, were recorded within three waterbodies. One within the quarry void, one within the Union Brickworks LWS and one adjacent to the brickworks. Breeding newts were not found within the pond in the quarry but were within the other two. The potential for the site to support a range of breeding birds has been identified and those with highest potential would be retained. However, a nest for the Schedule 1 species little ringed plover was found within the quarry and an exclusion zone has been established around the nest. Bat surveys were not undertaken as there the scheme would retain all habitats of likely functional importance to bats and because the scheme does not contain any components that

would reasonably be expected to pose a potential risk to bats. No on site badger sites were identified and no evidence of onsite foraging was found. No evidence of otters and reptiles were recorded. Evidence of terrestrial invertebrates was recorded, such species considered typical of bare ground dominant habitats.

210. Whilst there would be some localised nature conservation effects from the loss of the unworked field of improved grassland this would be incremental and gradual. Over time there would also be a loss of vegetation that has established on the quarried faces. The proposals would provide, in the longer term, an alternative land use with biodiversity opportunities. In addition works to the adjacent land within Gateshead would assist in maintaining and mitigating any biodiversity loss associated with the working and restoration of the site within County Durham. Mitigation measures have been included in the design of the proposals which include avoiding adverse impacts by retaining site boundary habitats, where avoidance is not possible to minimise the scale of impact or to compensate for the loss.
211. The presence of Great Crested Newts is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and a European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended) which itself implements the Habitats Directive. The Habitats Directive 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 could harm a European Protected Species to apply the three derogation tests contained in the Regulations in order to reach a view on whether a licence may be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England.
212. In terms of the 3 derogation tests it is considered firstly that there are no satisfactory or realistic site alternatives in this case as minerals can only be extracted where they occur and the principle of mineral extraction has been established. Continued extraction would be in the public interest given the mineral produced is essential for the manufacture of bricks which meets the needs of many interests including house building. The slope stabilisation works are associated with the extraction of clay and are necessary to facilitate the ongoing extraction as well as ensuring that there are no failures of the banks of the River Team and Urpeth Burn which in turn would lead to the inundation of the site and sterilisation of the important mineral. The newts within the application site were not found to be breeding, but were in the other two ponds. It is considered that would not be a detrimental effect upon the conservation status of the newts. It is therefore considered that the tests are met and a Licence would likely be granted by Natural England.
213. A method statement for the Great Crested Newts, Little Ringed Plover as well as for Japanese Knotweed (although details to eradicate the Knotweed is required through condition attached to the Gateshead planning permission) have been submitted which provide advice on the best practice working methods to be applied in respect of those species. This should ensure that site operations minimise disturbance to the newt population through limiting operational development in the vicinity of the pond. The favourable conservation status will be maintained through the original newt breeding pond being retained in situ with habitat enhancement occurring

around the pond at the start of the working process. This would include minor scrapes to increase the depth of the waterbody along with more general habitat creation and management. Upon final restoration further habitats would be created across the whole of the site.

214. The method statement would be secured through condition for the life of the site. Through condition a long term management plan would be secured through legal agreement, in which it is proposed to extend the aftercare period for an additional 5 years following the completion of the 5 year statutory aftercare period.
215. Gateshead Council has raised concerns in relation to the restoration proposals and impacts upon ecology. However, the Council's Ecologist is satisfied with the level of survey work and raises no objection to either application providing suitable working method statements contained in submitted documents are adhered to. In addition Natural England raises no objection to either application.
216. In terms of biodiversity issues, it is considered that there would be no overall adverse impacts subject to appropriate conditions, and the comprehensive programme of restoration and management would be beneficial in the long term. Natural England and the Council's Ecologist have no objection to either development. The mineral extraction proposal is considered to accord with MLP Policies M27 and M29 (both considered consistent with the NPPF) and Paragraphs 109, 118 and 144 of the NPPF. The slope stabilisation proposals are considered to accord with WLP Policies W13 and W17 (both considered consistent with the NPPF) and Paragraphs 109 and 118 of the NPPF.
217. The principle of the afteruse of the site has been established through the previous planning permission granted for the site. Restoration of the site as a waterbody would provide for the early restoration of the site on completion of extraction operations followed by a 10 year aftercare period. Through condition a review of restoration details would be required at a later date given the duration of the proposed works. The restoration of the site would provide an acceptable end use for nature conservation use with limited public access and a waterbody. The proposed restoration and enduses of the site would accord with MLP Policies M46 and M47 (consistent with the NPPF and therefore afforded appropriate weight) and Paragraphs 109, 118 and 144 of the NPPF.
218. The slope stabilisation proposals would enable the delivery of the proposed restoration and proposed and would accord with MLP Policies W54 and W55 (consistent with the NPPF and can be afforded weight in the decision process) and Paragraphs 109 and 118 of the NPPF.

Cultural Heritage

219. There are no listed buildings, Scheduled Monuments or Conservation Area designations within the application areas. There are no designated assets (i.e. Listed Buildings or Conservation Areas) within the vicinity of the site. There are two non-designated assets Low Urpeth Farm (some 460m to the south west) and Ouston Bank Farm (approximately 535m to the south). These groups of buildings appear on the first edition maps of the 1860 Ordnance survey maps. Both farms consist of farmhouses and farm buildings that have a distinctive local vernacular character and sit quietly in the countryside of this urban hinterland.
220. A desk based assessment was carried out and submitted as part of the ES. This identifies that there is one designated heritage asset, the Bowes Railway Lamesley to Burnopfield, some 500m to the north. Some 32 non-designated heritage assets

are identified within 1km of the application site spanning the prehistoric, Roman, Medieval, post-Medieval and early Modern and Modern periods. Closest to the site, to the south east in the vicinity of the brickworks, are recorded small scale prehistoric finds and features associated with industrial activity relating to previous brickworking and colliery activity.

221. The submitted assessment identifies that a significant proportion of the site has already been quarried therefore any potential archaeological deposits which may still exist within the site would be confined within the unworked area to the west of the quarry. Given the nature of mineral extraction there is the potential to impact upon archaeological deposits, however, the assessment considers that these would likely be of local importance given the finds previously found in the vicinity. Other assets would not be affected by the continued working of the site given their proximity from the workings and also due to topography and intervening screening from vegetation and buildings.
222. Design and Conservation officers raise no objections to the proposals considering that there would be limited harm due to distance, orientation and intervening vegetation to two non-designated assets within County Durham at Low Urpeth Farm and Ouston Bank Farm. These are over 460m from the site. Design and Conservation officers do not consider the proposals to be contrary to Paragraph 135 of the NPPF given the use can be fully justified. It is however important to ensure the existing trees and vegetation along the boundaries continue to be properly maintained in the future to help screen the former quarry.
223. The principle of mineral extraction across the site into the unworked area has previously been considered appropriate. The working and restoration of the site including the slope stabilisation works would not involve the removal of any built or landscape features.
224. Archaeology officers identify that the applications may impact potential non-designated heritage assets of an archaeological nature during the westward expansion of the quarry towards Urpeth Bridge. Officers note that the ES concludes that there would clearly be a high impact on any archaeological assets within the western zone, but on the basis of current baseline data, the potential for any significant unknown heritage assets is low. It is noted that there has been very little archaeological investigation in the area of the quarry so it is considered that the conclusions must be weighed accordingly.
225. Although potentially there may be some impacts on archaeology through disturbance to the remainder of the working if archaeological deposits are identified during trial trenching these are likely to be of local importance. There is no indication of any archaeological features of national significance that would warrant the preservation in situ of remains at the site and further investigation works would ensure suitable mitigation should any features of local interest be found. Archaeological officers have no objections to the proposals subject to appropriate conditions. It is considered that the proposals are not contrary to Paragraph 135 of the NPPF again given the use can be fully justified.
226. The proposals would not impact upon designated heritage assets. There is the potential for a direct loss of non-designated assets however, it is considered that this would be acceptable and through condition trial trenching can be required along with reporting requirements as per the existing planning permission.

227. No objections are raised to either proposal by Historic England. Design and Conservation and Archaeology officers do not object to either application subject to appropriate conditions. The mineral proposals are considered to not be contrary to MLP Policies M30, M31 and M33 (all considered consistent with the NPPF and afforded appropriate weight) and Paragraphs 135 and 144 of the NPPF. The slope stabilisation works are considered to not be contrary to WLP Policies W18; W21, W22, W23 (all considered consistent with the NPPF and afforded appropriate weight), and Paragraphs 135 and 144 of the NPPF.

Public Rights of Way

228. Public Footpath No 44 (Urpeth Parish) runs along the south west boundary of the site. The impacts upon public rights of way as a result of the proposed changes to the current scheme have been assessed. No public right of way would be directly affected by the proposal. The impacts of disturbance by noise and dust have been assessed and it considered that any impacts can be controlled by condition as is currently the case.
229. Gateshead Highways officers have advised that there does not appear to be any rights of way that fall within Gateshead that are affected by any of the proposals and therefore no further comment or objection is likely in relation to this element of the application.
230. A permissive public right of way is proposed in the west of the site, intended to allow public access to the western end of the restored site. Permissive rights can inevitably be removed and the weight to be given to such a proposal is therefore limited. Nevertheless, the applicant has proposed this and, along with other matters, would be secured through legal agreement. Access and Rights of Way officers raise no objections to either application. The mineral proposals would not conflict with MLP Policy M35 (consistent with the NPPF and afforded appropriate weight) and NPPF Paragraphs 75 and 144. The slope stabilisation works would not conflict with WLP Policy W24 (consistent with the NPPF and afforded appropriate weight) and NPPF Paragraph 75.

Agricultural quality and use

231. That part of the site which is undisturbed is currently in agricultural use (pasture). Undisturbed land within the planning application boundary is recognised as best and most versatile (BMV) under the agricultural land classification and an agricultural land quality assessment has been submitted with the ES. Of the 4.4ha undisturbed land some 3.5 ha is Grade 2 (within this is a complex pattern of Grade 1 and so is included as Grade 2 overall). The remaining 0.92 ha is Grade 3b (not BMV) and is located in the south eastern corner of the site.
232. Top and sub soils would continue to be stripped and separately and stored for restoration purposes. The handling and storage of soils would be carried out in line with good practice and adequately controlled through condition. Soils would be stored in the adjacent stocking area. Stripping would take place outside ground nesting bird season.
233. There would be a loss of agricultural land during the life of the site and upon restoration given the proposed afteruse of a waterbody. Due to the proposed end use there would be an excess of soils and those not used in the restoration of the quarry would be used in the restoration of the adjacent stocking area and not to an agricultural use as existing. Natural England, raise no objections to either application.

234. There would be a loss of some 3.5ha of BMV land. However, this is under the 20ha specified in MLP Policy M34 (considered partially compliant with the NPPF as the NPPF it does not refer to a loss of 20ha). Although the loss of high quality agricultural land is unfortunate this has to be balanced against the need for the mineral and any potential benefits arising from the intended after use of the restored site. The principle of extraction at the site is established and supplies of brickclay from the site are relied upon by the brickworks for the manufacture of bricks. Ensuing continued working would ensure that reserves are not sterilised and the landbank for brickclay is maintained. The supply of mineral cannot be met from alternative locations involving lower quality agricultural land and the proposed after use would be acceptable in nature conservation terms. In addition, it is intended that excess soils would be beneficially used in the restoration of the site and adjacent stockpile area.
235. If the development takes place the handling and storage of soils would be carried out in line with good practice and be adequately controlled. Natural England raises no issues in relation to agricultural land. The mineral proposals would not conflict with MLP Policy M34 and Paragraphs 112 and 144 of the NPPF. The slope stabilisation works would not conflict with WLP Policy W25 (consistent with the NPPF and afforded appropriate weight) and NPPF Paragraph 75.

Alternatives and stability

236. As mineral reserves can only be worked where they are found the consideration of alternative development options has involved restoration design and the design of slope stabilisation works rather than alternative sites. In terms of restoration design, consideration has been given to compensatory habitat during slope stabilisation works, design of the waterbody and public access to the site. A combination of technical, environmental and public safety considerations has led to various alternatives being discounted in favour of the proposed scheme.
237. Within the quarry there are areas where there has been progressive failure due to a combination of historic over-steepening and poor drainage. The primary cause of slope failure is likely to be the movement of groundwater through the overlying alluvial deposits, which are in hydraulic connectivity with the adjacent watercourses. The groundwater is likely to be causing softening of the underlying clays as the water flows under and through the exposed slopes into the quarry void. These failures along the northern boundary could potentially lead to the failure of the bank of the River Team which in turn would lead to the inundation of the site. Further movements along the southern face could cause failure of the bank of the Urpeth Burn, a tributary of the River Team, running along the southern boundary of the site which could cause water inflow into the site.
238. Alternatives to the importation of waste have been considered and discounted within the submitted ES as well as options for water management. Consideration was given to installing ties, nails, anchors, etc. into the slope materials to increase their strength or other methods of soil hardening such as compaction, grouting etc. Soil strengthening would not be viable, it is considered, due to the softness of the laminated clays exposed in the slope and there is unlikely to be any material of sufficient strength to tie any reinforcement into. This solution is therefore considered unlikely to be effective. Installing nets or cover systems (including vegetation) to prevent movement of surface material has been considered. However, the cover systems are considered to have no impact on preventing continued failure as only the surface would be treated and a number of the failures are quite deep seated. Cutting back the crest of the slope (unloading) to a more stable slope angle;

construction of the retaining walls at the base of the slope angle is another option that has been considered. This is considered to not be possible as there is insufficient space behind the crest of each slope to enable this technique to be implemented due to the presence of the River Team and Urpeth Burn. Construction of retaining walls at the base of the slope is considered to not be effective as there is no suitable founding stratum within the slopes and there is only limited higher strength material in which any such walls could be tied back into effectively. The option of buttressing the slope with material to support the failed material and reduce the face to a more stable angle was considered to be a feasible relatively straightforward technical solution which is also considered to be long term, practicable, cost effective and sustainable.

239. The Council commissioned OGI Groundwater Specialists Ltd. to consider the proposals who understanding the principal of the proposed works of importing material to create buttresses and add weight on the existing ground, considered that providing the design is appropriate, this construction method can be appropriate. OGI recommended that systems to increase ground strength and retaining walls should be given further consideration along with the adequacy of drainage arrangements associated with the works. However, the applicant considered that assessment of alternative slope remediation options is only a valid requirement in the event that the proposed option would generate significant adverse land use planning consequences which it considers is not the case. Officers are satisfied with this conclusion and the impacts of the proposal are considered within this report. Through condition details of the drainage system associated with the stabilisation works would be required.
240. If onsite material was used to stabilise the slopes this would consist of mineral or overburden which would either be used in the brickworks or in the restoration of the site and the stocking area with ecological benefits. It is considered that this would not be a sustainable use of such materials if suitable alternative materials are available. Imported waste material is therefore proposed to stabilise the slopes. The Environment Agency raises no objection to the proposals which would be subject to an Environmental Permit issued by the Agency. As the slope stabilisation proposals seek to prevent unacceptable risks from land instability it is considered that they would accord with Paragraphs 120 and 121 of the NPPF.
241. The quarry falls within the defined Development High Risk Area. The variation of conditions application is a type of development which is listed as exempt and there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted but there is a requirement for the Coal Authority informative to be imposed should planning permission be granted. The slope stabilisation application is not an exempt development and a Coal Mining Risk Assessment is required. An assessment has been submitted with the application. The Coal Authority has raised no objection to the slope remediation proposal and it is therefore considered that the proposal would not conflict with Paragraphs 120 and 121 of the NPPF
242. Queries raised by Environment, Health & Consumer Protection (Contaminated Land) have been considered by the applicant and has noted that the NPPF advises that planning authorities should not seek to duplicate controls which are available through other regulatory regimes in relation to the Quarry Regulations 1999 and the Environmental Permitting regime. The risk of gas both in the coal measures and from adjacent former landfill sites had been raised by Environment, Health and Consumer Protection officers however no condition is requested. Measures to deal with unexpected contamination are requested. The proposed development complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the

surrounding area would be safe and appropriately remediated and Paragraph 144 to ensure that there are no unacceptable adverse impacts on the natural environment.

Hydrology, flood risk and hydrogeology

243. The River Team flows from south west to north east parallel with the northern boundary of the quarry. Rowletch Burn flows from south east to north west bisecting the quarry to the east of the quarry void and forms a confluence with the River Team adjacent to the north eastern site boundary. Urpeth Burn flows from south west to the north east parallel with the southern site boundary and forms a confluence with the with the Rowletch Burn approximately 25m south of the access point to the quarry void.
244. The application sites and surround area is within a ground water vulnerability area and the majority of the site lies within Flood Zones 2 and 3 (high risk of flooding) as identified by the Environment Agency. The western most part is within Flood Zone 1.
245. The submitted Hydrology and Flood Risk Assessment (FRA) considers the existing flood risk posed to the site from all sources and the effect of the proposals on flood risk to the site and surrounding area, including climate change. Given the nature of the proposals (continued mineral working and slope stabilisation works within a working quarry) alternative locations and the sequential test have not been considered and the Environment Agency has raised no objection. The existing flood risk from other sources such as overland flow, groundwater sources, sewers and artificial water bodies is considered to be low.
246. Groundwater and surface water within the quarry void is currently collected in the sump on the quarry floor and is then periodically pumped to the east of the Rowletch Burn to an area of regenerated reed bed in the adjacent Local Wildlife Site before being discharged via infiltration to Rowletch Burn. Upon restoration pumping would cease. The majority of the site drains at greenfield run-off rates and this would continue following the cessation of pumping. Drainage from the site would continue to drain at greenfield rates to the lake within the quarried floor. No specific surface water mitigation measures are proposed but through conditions attached to the Gateshead stockpiling condition details of the surface water management of that area is required to be submitted.
247. The site is underlain by alluvium, glacial deposits (clays and sands and gravels) and Pennine Middle Coal Measures strata. The Alluvium and Pennine Middle Coal Measures are classed as Secondary A Aquifers. The potential effects on quarry operations are considered including the effects on groundwater and surface water flow and on surface water quality. During extraction site runoff and ground water seepage would be controlled as at present to mitigate fold risk sediment loading and chemical pollution.
248. The ES stated that mitigation of the potential inflows into the quarry void from the glacial sands and gravels underlying the laminated clays would depend on the results of site investigation, monitoring and assessment of groundwater levels and quality in glacial sands and gravels. Should the investigation confirm that groundwater would not flow into the quarry void in significant quantities then no mitigation would be required. The Environment Agency initially raised concerns regarding the deepening of the quarry as it was suggested that saturated sands and gravels are likely to be present at or below the final, proposed quarry depths. The main concern related to the potential need for dewatering.

249. Further site investigation works were undertaken in order to: assess the impact of deepening of the workings; confirmation of the underlying geological and hydrogeological conditions in the area of the quarry; assess the potential for groundwater entering the proposed extraction works, the potential for groundwater to be contaminated and additional slope stability analysis. The submitted Hydrogeological and Geotechnical Interpretive Report identifies that dewatering would not be needed and that there is no significant risk of groundwater entering the site as a result of deepening. The further work confirmed that the proposed northern and southern slopes would be stable and drainage measures would ensure stability in the long term. It is also considered that the unworked western slope would be stable in the long term provided adequate drainage measures are implemented. In addition the risk of basal heave associated with groundwater pressures at the base of the deepened quarry is not considered significant.
250. OGI responded to the additional information considering that the additional information provided further clarification on the proposed scheme, and addresses a number of its previous concerns. However, there is still uncertainty regarding the hydrogeological conditions at the location of the deepest excavation and a risk of inundation of water and this water may be contaminated if in continuity with the underlying Coal Measures. It is also noted that no control measures appear to have been considered if granular deposits are encountered during the quarry deepening.
251. The applicant has considered the concerns raised and as a precautionary measure proposes to undertake a series of cone penetration tests in advance of any excavation below the currently approved maximum depth of working. This information would be used to inform the excavation operations to ensure that fluvio – glacial deposits are not excavated into and calculate what thickness of laminated clay (if any) needs to be left in situ in order to prevent water ingress into the quarry void and to maintain slope stability for the northern remediated slope. This would be secured through condition. It should be noted that the working and restoration of the quarry would continue to be regulated through the Quarries Regulations 1999 which amongst other matters, require operators to ensure that excavations and tips are designed, constructed, operated and maintained to ensure that instability or movement are avoided
252. The Environment Agency has no objections understanding that dewatering would not be required and requests that a condition is imposed requiring that there shall be no de-watering of the site and no interruptions to ground or surface water flows. This is to protect controlled waters and if dewatering were to take place, a hydrogeological risk assessment would be needed to look at the impacts of dewatering on controlled waters, and the water quality implications of dewatering, given the potential connection with mine waters. Through condition the depth of working can be controlled and the requirement for further testing.
253. The Coal Authority has not raised concerns in relation to rising mine water but this has been identified by Gateshead Council, OGI and the Environment Agency as a concern. A condition requested by the Environment Agency requiring a strategy for managing mine water at the site should be it encountered can be secured through condition.
254. No adverse impacts have been identified which cannot be controlled through condition (including measures within the working method, storage of fuel), and other pollution controls regulated by the Environment Agency. Neither Drainage and Coastal Protection officers nor Northumbrian Water raise objections. The mineral proposals would not conflict with MLP Policy M38 (consistent with the NPPF and afforded appropriate weight) and Part 10 of the NPPF. The slope stabilisation works

would not conflict with WLP Policies W27 (consistent with the NPPF) and W28 (partially consistent with the NPPF as it does not refer to the exceptions test) and Part 10 of the NPPF.

Access and traffic

255. Access to the quarry is off Station Lane, Birtley (within Gateshead) and through the brickworks located at Rowletch Burn Industrial Estate. The clay is transported directly from the void to temporary stockpiles adjacent to the works to use. The existing planning permission does not place restrictions on vehicle movements as a result and MLP Policies M42 and M43 relating to traffic impacts are therefore not relevant in this instance. There are vehicle movements associated with the brickworks but these are not regulated as part of the existing quarrying permission.
256. Currently there are no restrictions on vehicle movements to the site. The importation of waste materials would be carried out 08:00 – 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no working Sunday and Bank Holidays. The waste materials would be transported to the site in HGVs. It is anticipated that an average of 64 HGV movements (32 in and 32 out) per weekday would be generated as a result of the importation proposal. A maximum of 100 vehicle movements per day (50 in and 50 out) have also been assessed to allow for day to day variations in deliveries as a worst case.
257. A Transport Assessment (TA) has been undertaken and examines the suitability of the existing highway network to accommodate the proposed traffic flows in terms of highway capacity and safety. The TA considers that the current brickworks and clay extraction operations are well established and suitable access and agreed HGV routes to the site are in place. No changes to access or routeing are proposed. It is also stated that the existing road safety record along the approved HGV route is good with no recorded accidents at the site access and no accidents along Station Road involving HGVs and the safety record does not give rise for concern. The TA considers that the surrounding highway has sufficient capacity to accommodate the maximum HGV traffic likely to be generated by the existing operations over the extended life proposed and the AM and PM peak would not be affected by the proposals.
258. It is proposed that HGV arrivals and departures would avoid morning and afternoon peak hours. It is estimated that outside of the morning and afternoon peak hours the maximum hourly number of HGV assuming an average hourly arrival rate would be 5 per hour in each direction and allowing for a peaked daily profile the maximum hourly arrival rate would be 10 HGVs in each direction (20 in total) along Station Lane, which falls below the threshold for further assessment. The TA concludes that based on the Institute of Environmental Management and Assessment 'Guidelines for the Environmental Assessment of Road Traffic' the daily increase in HGV's on Station Lane would result in a short term minor impact during the stability works only. On Durham Road the additional daily traffic would result in a negligible impact for both scenarios and considered the highway impacts to be acceptable.
259. Paragraph 32 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 waste 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. Conditions to ensure the cleaning of vehicles to ensure that the highway is kept clear of mud or debris and recording vehicle movements can be covered by planning condition.

260. The Highways Authority has no objections to the proposal. Gateshead Council as Highway Authority for its administrative area has no objection subject to appropriate conditions restricting movements to outside the peak periods (09:30-16:30 Monday–Friday and 09:30-12:30 Saturdays with no movements on Sundays and Bank and Public Holidays) and requirement for two bus stops on Station Road. It would also be appropriate to include conditions in relation to a limit on daily vehicle movements and monitoring of them and ensuring no debris is traversed onto the public highway. It is considered that the request for two bus stops cannot be enforced as a requirement of the planning application made to this Council and it would be for Gateshead Council to pursue with the applicant. Given the duration of the proposed works it is not considered to be necessary.
261. It is considered that the slope stabilisation proposals would accord with WLP Policies W29, W31, W32 and W33 and Part 4 of the NPPF. WLP Policies W29, W31 and W33 are considered to be consistent with the NPPF and although W32 is only partially consistent, as it does not fully reflect Regulation 122 of the CIL Regulations, there is no conflict in relation to these proposals and therefore can be afforded weight in the decision making process. The proposal also accord with Part 4 of the NPPF.

Cumulative impact

262. Paragraphs 143 and 144 of the NPPF and the Planning Practice Guidance 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.
263. The application site and its surroundings have been subject to mineral extraction and landfill. The application site has been subject to clay extraction and brick manufacturing prior to 1900 and with planning permissions subsequently granted in 1965 and 1989. Three former brickclay extraction sites restored through landfill are located within the vicinity of the site. North Quarry lies approximately 160m to the south east where the importation of waste materials ceased at the site in April 1993 although the site was not completed with the capping layer and soils required. Kibblesworth Quarry, restored in 2004, lies to the north west separated by Greenford Lane. St Bedes Quarry, restored in 2004, lies some 520m to the south east of the application site. It has therefore been 12 years since there has been more than one site active in the vicinity and it is therefore considered that this is not an issue.
264. The ES has considered cumulative effects for the simultaneous implementation of the proposed applications. Consideration has been given to landscape and visual impact, traffic and transport, noise and vibration and air quality. No significant cumulative impacts have been identified. The assessment also shows that the cumulative effect of traffic from the scheme and other developments would not be significant.
265. An assessment of combined impacts is also considered in the submitted documentation. In the case between noise and air quality, potential impacts could be experienced simultaneously or intermittently. There is concluded that there is no direct connection between the effects, other than both could cause annoyance, whether experienced separately or together. Mitigation of combined impacts is best achieved through management of construction or operation to prevent the individual impacts themselves and prevent such interactions occurring.

266. 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 the those within the vicinity of the area. Whilst these have some weight, sufficient information has been provided in this instance, to show that the effects can be effectively mitigated and would not raise material conflict, in terms of the minerals proposals to MLP Policy M45 (consistent with the NPPF and afforded appropriate weight) concerning cumulative effects and Paragraphs 143 and 144 of the NPPF. This is also the case in respect of the slope stabilisation proposals which would not raise material conflict WLP Policy W35 (consistent with the NPPF and afforded appropriate weight) concerning cumulative effects and Paragraph 143 of the NPPF.

Planning Obligations

267. A planning obligation is proposed under S106 of the Town and County Planning Act which would render inoperative the extant mineral planning permissions currently in force at the site. It would also provide for an additional 5 years of aftercare following the statutory 5 year period as well as the longer term maintenance of the site until 1 June 2056. This would be in accordance with a similar agreement entered into by the applicant and Gateshead Council for the stocking area. In addition the applicant is proposing a permissive public right of way to the western end of the restored site. The planning obligation would also render inoperative existing planning permissions for operations at the site.
268. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The aftercare and management of the site included in the proposed planning obligation are considered necessary to secure the wider benefits of the proposal upon restoration and to link in with the planning obligation entered into with Gateshead Council. The permissive path is not necessary but is proposed by the applicant and it is appropriate to be included in the planning obligation as opposed to a planning condition. The rendering inoperative of old planning permissions provides clarity as to the relevant planning permissions for the site. Accordingly whilst these elements are proposed to be included in the planning obligation weight cannot be afforded to them in the determination of this application.
269. Paragraph 144 of the NPPF states that when determining planning applications local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out the a 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. The Planning Practice Guidance (PPG) provides guidance on financial guarantees and considers that a financial guarantee to cover restoration and aftercare costs will 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. The PPG advises that Mineral Planning Authorities (MPAs) should address any concerns about the funding of site restoration principally through appropriately worded planning conditions. However, 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 an MPA to seek a guarantee against possible financial failure, even in such exceptional circumstances.

270. The matter of a financial guarantee was raised with the applicant who is of the opinion that the PPG makes it clear that the Government expects MPAs to secure the restoration of mineral workings by the imposition of suitable planning conditions in all but exceptional circumstances. In addition they consider that none of the circumstances set out in the PPG apply in the case of the proposed development and that there is no case for the Council to seek a financial guarantee. Information is provided in relation to the Company and its policy in relation to providing for restoration of sites in its control.
271. In accordance with MLP Policy M52 (partially consistent with the NPPF which emphasises that, bonds or financial guarantees should only be used in exceptional cases) and WLP Policy W56 (considered consistent with the NPPF) as well as Paragraph 144 of the NPPF, 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 and the nature of the proposed restoration scheme it is considered that a financial guarantee is unnecessary on this occasion.
272. WLP Policy W56 (considered consistent with the NPPF) encourages the use of legal agreements to cover matter such as site development, operations, reclamation and aftercare, mitigation of off-site impacts, off site landscaping and/or highway improvements are beyond the scope of planning conditions. It is considered that the proposed development can be adequately controlled through condition and there is no need for matters to be covered through a planning obligation. However, extended aftercare is proposed through planning obligation.

Slope stabilisation and very special circumstances in the Green Belt

273. The slope stabilisation works using inert waste material is a use that is inappropriate development in the Green Belt however alternatives to the importation of waste have been considered and discounted. Inappropriate development is by definition harmful to the Green Belt and the very special circumstances required to justify inappropriate development will only exist if the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Regard must also be given to Paragraph 79 of the NPPF which sets out that the Government attaches great importance to Green Belts as does the National Waste Planning Policy.
274. No significant effect on the openness of the Green Belt has been identified in landscape terms and no other harm has been identified. There is therefore no additional Green Belt harm over and above that arising by reason of inappropriateness. Careful consideration has also been given to the benefits of the proposed slope stabilisation works and it is considered that the cumulative benefits of the works of ensuring the stabilisation of unstable slopes, the prevention of failure of the banks of the River Team and Urpeth Burn, ensuring that reserves of a mineral of local and national importance are not sterilised, environmental benefits associated with the achievement of the proposed restoration scheme and the creation of two additional jobs, albeit temporarily would amount to very special circumstances that would clearly outweigh the harm to the Green Belt by reason of inappropriateness. It is considered that the application would not conflict with CLSLP Policies NE3, NE4 and NE6 and WLP W10 and would not conflict with Paragraph 87 of the NPPF.

CONCLUSION

275. Paragraph 144 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. Birtley Quarry is an established mineral site pre-dating planning with a current planning permission that extends to May 2020 for mineral extraction. The variation of condition application would not physically extend the planning permission boundary for the site but would extend the depth of working and regularise areas of extraction outside of the currently permitted extraction boundary. Through the assessment of the application, conditions other than those listed in the application are considered unnecessary given the current stage of the development. Also additional conditions would also require amending as a result of a reassessment and/or the need for cross referencing to other conditions.
276. Extending the time period for extraction would allow extraction of existing permitted reserves as well as additional reserves preventing sterilisation of a mineral identified in the NPPF as being of national importance necessary to meet society's needs. It would provide for the continued availability of glacial clay to meet the future needs of the Union Brickworks in accordance with the objectives of the NPPF. The impacts of working and restoration would be prolonged until 2044 but on balance the need for brickclay and the environmental benefits associated with the achievement of the proposed restoration scheme would outweigh any reservations regarding extending operations in this respect. Having assessed the likely impacts of the proposed development it is considered 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 and control and planning obligation.
277. The slope stabilisation works using inert waste material would create additional landfill capacity for waste materials. In addition the proposed works would constitute inappropriate development in the Green Belt. It is accepted that this material is of a type that could be re-used or recycled in line with waste strategy objectives and this would therefore not accord with WLP Policies W2 and W46. However, on balance the need to address slope failure in order to ensure the extraction of brickclay reserves and the environmental benefits associated with the achievement of the proposed restoration scheme would outweigh any reservations in this respect and it is considered to not be of such a scale or significance as a departure that the implementation of the principles of the Development Plan would be prejudiced. It is also considered that very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness as well as any other harm as required by the NPPF. Having assessed the likely impacts of the proposed development it is considered 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.

RECOMMENDATION

That application DM/14/02371/VOCMW for the variation of conditions be **APPROVED** subject to subject to the completion of a planning obligation pursuant to Section 106 of the Town and County Planning Act 1990 to secure the following:

- i. Additional 5 year aftercare following completion of the statutory 5 year period.
- ii. Maintenance of the restored quarry until 1 June 2056.

And subject to the following conditions:

DM/14/02371/VOCMW

APPROVED DOCUMENTS

1. The development hereby approved shall only be carried out in accordance with the following documents and any detailed matters subsequently approved under Condition 3:
 - a) Description of working method and restoration concept in Section 4.2 of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Main Text and Annexes (July 2014)
 - b) Paragraph 13.2 of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Main Text and Annexes (July 2014)
 - c) Mitigation measures set out in Section 5 of Appendix E of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Appendices A-J (July 2014), the Habitat Management Plan contained in Annex E3: Habitat Management Plan as set out in Section 5 of Appendix E of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Appendices A-J (July 2014), Method Statement for Protected Species and Schedule 9 Weed Species July 2014 and Birtley Quarry Great Crested Newt Supplementary Information and Working Method Statement (March 2015).
 - d) Birtley Quarry (Quarry Deepening and Slope Remediation Works) Hydrogeological and Geotechnical Interpretive Report – March 2016.
 - e) *Drawings:*
 - i. *Figure BQ2 – ‘Site Layout’ dated 07/14*
 - ii. *Figure BQ5 – ‘Quarry Application Boundary and Land Ownership Boundary’ dated 07/14*
 - iii. *Figure BQ8 – ‘Current Site Operations’ dated 07/14*
 - iv. *Figure BQ9 – ‘Regularisation of Clay Extraction Limits’ dated 07/14*
 - v. *Figure BQ10 – ‘Phase 1 – Slope Remediation Works’ dated 07/14*
 - vi. *Figure BQ11 – ‘Phase 2 – Continued Excavation and Deepening and Habitat Enhancement’ dated 07/14*
 - vii. *Figure BQ12 – ‘Phase 3 – Final Quarry Void’ dated 07/14*
 - viii. *Figure BQ13 – ‘Proposed Scheme Cross Sections’ – dated 07/14*
 - ix. *Figure BQ14A – ‘Conceptual Quarry Restoration Masterplan’ – dated 07/14*

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

2. From the date of this planning permission to the completion of the development hereby approved, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission and legal agreements shall always be on display at the brickworks office and subsequently, shall be made available to all persons with responsibility for the site’s aftercare and management.

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

MATTERS REQUIRING SUBSEQUENT APPROVAL

3. The development hereby permitted shall also only be carried out in accordance with a scheme or schemes to be approved, in writing, by the Mineral Planning Authority, which shall, amongst other matters, include provision for the matters listed below. Those details required by Condition 3(a) through to Condition 3(h) shall be submitted to and approved, in writing, by the Mineral Planning Authority within 3 months of the date of this permission. Those details required by Conditions 3(i) and Condition 3(j) shall be submitted every 3 years from the date of this planning permission.

- (a) A Noise Action Plan including the exact locations of noise monitoring points and proposed monitoring frequency.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Part 13 of the National Planning Policy Framework).

- (b) A Dust Action Plan that includes: the exact locations of monitoring points; proposed monitoring frequency; methodology to be used for assessing monitoring results; period of review of the Plan, and commitment to furnish the Mineral Planning Authority with the particulars of measurements recorded within two working days of a request.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Part 13 of the National Planning Policy Framework).

- (c) A desktop screening exercise to determine the impact on local air quality pollutants (particulates PM10 and PM2.5) from quarrying operations on receptors in the vicinity of the quarry site. Should the impact be assessed as significant then a scheme for monitoring particulates (PM10) and for mitigating the impact shall be submitted and agreed in writing with the Mineral Planning Authority.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Part 13 of the National Planning Policy Framework).

- (d) Details of drainage arrangements during the working life of the site.

Reason: To protect land outside the site and to prevent adversely affecting watercourses passing through or outside the site. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M38 Water Resources and Parts 10, 11 and 13 of the National Planning Policy Framework).

- (e) Measures for detailing with unexpected contamination should it be encountered.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan

(December 2000) Policy M36 Protecting Local Amenity and Part 13 of the National Planning Policy Framework).

- (f) A strategy for managing mine water at the site should be it encountered. Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

Reason: Requested by the Environment Agency. Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment. In this case the proposal poses a threat to water quality because of the possibility of intersecting minewaters during quarry deepening. To ensure the development is carried out in an orderly manner, to protect land outside the site and to prevent adversely affecting watercourses passing through or outside the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity, Policy M38 Water Resources and Parts 10, 11 and 13 of the National Planning Policy Framework).

- (g) Details of any tree planting and grass seeding to be carried out prior to restoration that shall include:

- i) the species to be planted, and the percentage of the total to be accounted for by each species;
- ii) the size of each plant and the spacing between them;
- iii) the preparations to be made to the ground before planting;
- iv) the fencing off of planted areas;
- v) seed mix to be sown;
- vi) a subsequent maintenance and management programme during the after-care period once the planting works have been carried out, which shall include the weeding of the planted area, repairing of any damaged fencing, and the replacement of any plants which die or are seriously affected by disease.

Reason: In the interests of visual amenity and to ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Residential Amenity, Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

- (h) A Habitat Management Plan for the restoration of the site.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

- (i) Details of the working and restoration of the site, which shall include:

- i) A detailed working method, including extraction limits;

- a) details of intended soil stripping and storage
- b) phasing of operations;
- c) details of drainage arrangements;
- d) details of design of internal access and haul roads, surfacing of them, and provision and surfacing of hard-standings;
- e) the erection of any fences as appropriate to their intended use;
- f) details of any screening measures to be undertaken.

Reason: In the interests of residential amenity, To protect land outside the site and to prevent adversely affecting watercourses passing through or outside the site and to ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M38 Water Resources Policy, M46 Restoration Conditions and Parts 10, 11 and 13 of the National Planning Policy Framework).

- ii) the final contours for the site (at 0.5 metre intervals), indicating how such contours tie in with the existing contours on adjacent land;
- iii) the replacement of soils including depths, handling and replacement methods including identifying the origin and final locations for soils together with details balancing the quantities, depths and areas involved;
- iv) the drainage of the restored site;
- v) details of the margins of the proposed waterbody;
- vi) a programme of localised restoration works to the Burns
- vii) provision of floating reed beds and islands;
- viii) the erection of fences;
- ix) the planting of trees, hedges and seeding of grassland areas;
 - a. the species to be planted, and the percentage of the total to be accounted for by each species;
 - b. the size of each plant and the spacing between them;
 - c. the preparations to be made to the ground before planting;
 - d. the fencing off of planted areas;
 - e. a subsequent maintenance and management programme during the aftercare period once the hedgerow, tree, shrub planting and seeding has been carried out, which shall include the weeding of the planted area, repairing of any damaged fencing, and the replacement of any plants which die or are seriously affected by disease and a detailed schedule as to when the aftercare period commences for each area.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

- (j) The aftercare of the restored land for five years

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.

COMMENCEMENT

4. The development hereby permitted shall begin no later than three years from the date of this decision.

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.

5. The Mineral Planning Authority shall be given at least two working days' notice in writing (excluding Sundays and Bank or other public holidays), of the date of commencement of the development and of each mineral extraction campaign thereafter.

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 Part 13 of the National Planning Policy Framework).

COMPLETION

6. All mineral extraction shall cease by no later than 13 February 2044.

Reason: To avoid unnecessary delay in the restoration of the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

7. The site shall be restored in terms of the replacement of all soils and formation of the waterbody in accordance with the conditions hereinafter appearing:

- (a) within 2 years of the cessation of mineral extraction and no later 13 February 2046.

Reason: To avoid unnecessary delay in the restoration of the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

8. If mineral extraction is to be suspended for a period of 24 months or more, then the operator shall within 3 months give written notification to the Minerals Planning Authority together with proposals for an interim restoration of the quarry to the Minerals Planning Authority for its written approval. The interim revised scheme shall be implemented as approved. Written notification shall also be given to the Minerals Planning Authority prior to the resumption of mineral extraction following a temporary suspension.

Reason: To ensure the development is carried out in an orderly manner and to avoid unnecessary delay in the restoration of the site. (Adopted County Durham Minerals

9. In the event that mineral working is discontinued (i.e. winning and working ceases for 3 years) prior to the full implementation of the development, a full reclamation scheme to include details of the reinstatement, aftercare and timescale for quarry restoration works shall be submitted to the Minerals Planning Authority for its written approval within 39 months of the date working is discontinued. The scheme shall be fully implemented within 6 months of its approval in writing by the Mineral Planning Authority.

Reason: To avoid unnecessary delay in the restoration of the site and to avoid unnecessary delay in the restoration of the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity, Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

WORKING PERIOD

10. Operations (mineral extraction, overburden and soils handling) authorised by this planning permission shall be restricted to the following periods and shall only take place for a period of no more than 90 days in each year:

07.00 hours to 19.00 hours Monday to Friday

07.00 hours to 13.00 hours Saturday

Restoration works following the cessation of mineral extraction shall take place within the above periods without the 90 day restriction.

With the exception of pumping, no operations including the maintenance of vehicles and plant or working shall take place outside these hours or at any time on Bank, or other public holidays, 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).

ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY

11. Vehicular access for all vehicles to and from the site shall only be through the adjacent stockpiling area adjacent to Union Brickworks as shown on Figure BQ5.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic).

12. Brick making materials shall only be exported to the adjacent Union Brickworks.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic).

SOIL STRIPPING AND STORAGE

13. The Mineral Planning Authority shall be given at least two working days' notice in writing (excluding Sundays and Bank or other public holidays), of any intended individual phase of topsoil or subsoil stripping.

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).

14. All topsoil shall be stripped from any areas to be excavated or used for haul roads, and other areas to be traversed by heavy machinery, and stored until required for restoration. The Mineral Planning Authority shall be given the opportunity to verify that the full depth of topsoil has been satisfactorily stripped prior to the commencement of subsoil stripping.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

15. No plant or vehicles shall cross any areas of unstripped topsoil except for the purpose of stripping operations.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

16. Sufficient subsoil or similar material as approved in writing by the Minerals Planning Authority shall be stripped from any areas to be excavated or used for haul roads, and other areas to be traversed by heavy machinery.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

17. In each calendar year, soil stripping shall not commence on any phase until any standing crop or excess vegetation has been removed, and the Mineral Planning Authority has been given at least two days' advance notice in writing (excluding Sundays and Bank or other public holidays).

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

18. The stripping and movement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions, to avoid soil smearing and compaction, and to ensure that all available soil resources are recovered. Appropriate methods of soil stripping shall be separately approved by the Mineral Planning Authority for any permanently wet or waterlogged parts of the site.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

19. No stripping, movement, replacement or cultivation of topsoil or subsoil shall be carried out during the months of October, November, December, January, February and March inclusive without the prior written consent of, by methods and for a period approved by, 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 13 of the National Planning Policy Framework).

20. Topsoil, subsoil or soil making materials shall only be moved between the site and the adjacent stocking area permitted under Planning Permission No. DC/14/00899/FUL granted by Gateshead Council dated 9 September 2016.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

21. Within 3 months of the commencement of soil stripping, and every 12 months thereafter, the Mineral Planning Authority shall be supplied with a plan indicating the area stripped of topsoil and subsoil, the location of each soil storage heap, and the quantity and nature of material within the mounds together with details of the type of plant used to strip/store those materials. A balance of the quantities of material stored with the proposed depth and texture of the soil profile to be replaced following restoration shall also be provided.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

SITE WORKING

22. The development, including soil handling, storage and replacement, extraction and restoration, shall only be carried out in accordance with the approved documents in Condition 1 and schemes subsequently approved in accordance with Condition 3.

Reason: To avoid unnecessary delay in the restoration of the site, in the interests of residential and visual amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity Policy M46 Restoration Conditions and Parts 11 and 13 of the National Planning Policy Framework).

23. At all times works should be carried out on site in line with an approved method of working as shown on Figures BQ5, BQ8, BQ9, BQ10, BQ11, BQ12, BQ13 and BQ14 and schemes subsequently approved in accordance with Condition 3 which takes into account the best available information and techniques in relation to protected species, including the protection of such species during working and the restoration of the area to benefit wildlife as works are completed in any area. This should include reinstatement and creation of habitats to encourage the biodiversity of the area.

Reason: In the interests of nature conservation. (Adopted County Durham Minerals Local Plan (December 2000) Policy M29 Conservation of Nature Conservation Value and Parts 11 and 13 of the National Planning Policy Framework).

24. A strip of land at least 12 metres wide shall be maintained at existing ground levels (except for any topsoil and subsoil stripped from the surface) adjacent to any vehicular highway.

Reason: To ensure the stability of the land concerned. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

25. No site clearance works or development affecting trees, scrub, ground vegetation or other semi-natural vegetation shall take place between March and August inclusive unless survey work immediately prior to the start of works confirms that breeding birds are absent. This is particularly relevant to the works to remove areas used by birds such as trees and scrub. If nesting birds are found then work in that area must be avoided until the birds have fledged.

Reason: To avoid any impacts on nesting birds. (Adopted County Durham Minerals Local Plan (December 2000) Policy M29 Conservation of Nature Conservation Value and Parts 11 and 13 of the National Planning Policy Framework).

26. Mitigation measures set out in Section 5 of Appendix E of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Appendices A-J (July 2014), the Habitat Management Plan contained in Annex E3: Habitat Management Plan as set out in Section 5 of Appendix E of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Appendices A-J (July 2014), Method Statement for Protected Species and Schedule 9 Weed Species July 2014 and Birtley Quarry Great Crested Newt Supplementary Information and Working Method Statement (March 2015) – Method Statement shall be adhered to and works undertaken in accordance with those details.

Reason: In the interests of nature conservation and to conserve protected species and their habitat. (Adopted County Durham Waste Local Plan (April 2005) Policy W13 Nature Conservation (Local) and W17 Nature Conservation (Minimisation of Adverse Impact) and Part 11 of the National Planning Policy Framework).

27. Notwithstanding the details submitted for the proposed development of the site, there shall be no de-watering of the site and no interruptions to ground or surface water flows.

Reason: To protect controlled waters. If dewatering were to take place, a Hydrogeological Risk Assessment would be needed to look at the impacts of dewatering on controlled waters, and the water quality implications of dewatering, given the potential connection with mine waters. (Requested by the Environment Agency.) (Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources and Parts 10, 11 and 13 of the National Planning Policy Framework).

28. For the area of the proposed extraction, no excavation shall take place below 18.3 m below original ground level (as shown on ES Figure BQ13) until the following is established by further intrusive investigation works and analysis to be submitted to and approved in writing by the Mineral Planning Authority:

- i. the depth to the base of the laminated clay;
- ii. the pore pressures in the fluvio-glacial sands and gravels underlying the laminated clay;
- iii. what the maximum depth of extraction should be in order to avoid disturbance of the fluvio-glacial deposits; and

- iv. the thickness of laminated clay (if any) which needs to remain in-situ in order to prevent groundwater ingress into the quarry void and maintain the stability of the northern remediated slope.

Subsequent extraction below 18.3 m below original ground level (as shown on Figure BQ13) shall take place in accordance with the results of this further investigation and assessment.

Reason: To protect controlled waters. (Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources and Parts 10, 11 and 13 of the National Planning Policy Framework).

29. Subject to Condition 28 above, the maximum depth of excavation shall not exceed that shown on Figure BQ12.

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 Part 13 of the National Planning Policy Framework).

30. The angle of the slopes of the excavations formed in the quarry void shall not be greater than as shown on Figure BQ12.

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 Part 13 of the National Planning Policy Framework).

31. Details of annual sales and remaining reserves of minerals from the site shall be submitted to the Minerals Planning Authority. These details shall include the following:

- a) Category of mineral.
- b) Quantity of each category in tonnes.

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. (10)

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

32. There shall be no importation of waste to the site other than as approved under Planning Permission No. DM/14/02372/WAS for remediation works using recovered inert waste materials to achieve suitable and stable restoration profiles for northern and southern faces of the quarry.

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

33. There shall be no burning at any time.

To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Part 13 of the National Planning Policy Framework).

SITE MAINTENANCE

34. From the commencement 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;

Reason: In the interests of public safety. (Adopted County Durham Minerals Local Plan (December 2000) Policies M35 Recreational areas and PROW, M36 Protecting Local Amenity and Parts 8, 11 and 13 of the National Planning Policy Framework).

- b. the care, maintenance and fencing of trees and hedgerows 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); (6)

Reason: In the interests of visual amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

- c. the maintenance of all the hard surfaced access roads within the site, over which licensed road vehicles operate, clean from mud;

Reason: In the interests of residential amenity and highway safety. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M35 Recreational areas and M43 Minimising Traffic Impacts and Parts 4, 8, 11 and 13 of the National Planning Policy Framework).

- d. the maintenance of drainage ditches, water treatment areas, and the clearance of mud and silt from water treatment areas to avoid reducing their capacity for intercepting sediment;

Reason: To protect land outside the site and to prevent adversely affecting watercourses passing through or outside the site. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity, M38 Water Resources and Parts 10, 11 and 13 of the National Planning Policy Framework).

- e. all areas of the site, including undisturbed areas and all topsoil, subsoil 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).

BUILDINGS, PLANT AND MACHINERY

35. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no buildings,

plant, or machinery shall be erected or placed on the site other than with the prior written approval of the Minerals 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).

36. Plant and machinery on the site shall not be used to process, treat, or otherwise refine materials.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

ENVIRONMENTAL PROTECTION

NOISE

37. Except when short term operations (as identified in Planning Practice Guidance for Minerals paragraph 022 these being activities such as 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) are taking place, the noise emitted from operations on the site shall not result in noise levels greater than those listed below at the properties/locations listed below and identified in the Noise Action Plan approved in writing with the Mineral Planning Authority under Condition 3, between the hours set out in Condition 10.

The White House 53dB LAeq, 1Hr (free field)

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

38. Noise emitted as a result of short term operations (as identified in Planning Practice Guidance for Minerals paragraph 022 these being activities such as 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) shall not exceed 57dB LAeq, 1Hr (freefield) as measured at The White House as identified in the Noise Action Plan approved in writing with the Mineral Planning Authority under Condition 3, between the hours set out in Condition 10 the duration of such activities shall not exceed 8 weeks in relation to the noise monitoring property in any 12 month period.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

39. The Mineral Planning Authority shall be given at least 2 working days' notice in writing (excluding Sundays and Bank or other public holidays), prior to the commencement of short term operations (soil stripping; soils handling; soil mound construction and removal; soil replacement and construction). (1, 5)

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

40. Noise monitoring shall be carried out in accordance with the scheme approved under Condition 3. On request, the operator shall, within 2 working days furnish the Mineral Planning Authority with the particulars of the measurements recorded and the plant and equipment operating on the site at the time.

To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Part 13 of the National Planning Policy Framework).

41. 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 and Parts 11 and 13 of the National Planning Policy Framework).

42. The details of reversing warning devices to be fitted to plant and machinery shall be approved in writing in advance with the Mineral Planning Authority and only the approved devices shall be used.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

BLASTING

43. No blasting shall take place at the site.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

DUST

44. The Dust Action Plan approved in accordance with Condition 3 shall be implemented for the duration of the development and is intended to minimise and control dust arising from and leaving the site during the hours set out in Condition 10 from all operations. The Dust Action Plan shall be reviewed at six-monthly intervals and the latest version adhered to at all times.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

45. The dust control equipment installed shall be used at all times to suppress dust on the site arising during the hours set out in Condition 3 from all operations, including vehicular movements, excavation operations, mineral, soils, and overburden stockpiling arrangements and soil spreading operations. At such times when the equipment provided and the dust suppression measures are not sufficient to

suppress dust arising from the site, or the monitoring results show elevated dust or, if required, air quality pollutant (Particulates -PM10 and PM2.5) levels then operations shall cease until additional equipment is provided and appropriate mitigation measures agreed with the Mineral Planning Authority are implemented and found to be adequate.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

46. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Action Plan approved in accordance with Condition 3. On written request the operator shall, within two working days, furnish the Mineral Planning Authority with the particulars of the measurements recorded.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Part 13 of the National Planning Policy Framework).

47. Dust suppression measures employed may include the following and those listed in paragraph 13.2 of the document entitled 'Birtley Quarry Environmental Statement – Applications for Planning Permission – Main Text and Annexes':

- i) the provision of mobile water bowsers;
- ii) the use of dust filters on all fixed plant and machinery;
- iii) a speed limit of 15 mph on all internal haul roads, with no plant having exhausts pointing downwards;
- iv) all haul roads and areas used for the storage of soils and overburden, in the absence of grassland sward, shall be watered during dry, windy weather conditions;
- v) areas which will be untouched for more than three months shall be seeded with a quick growing cover crop.

Reason: In the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

SURFACE WATER DRAINAGE AND POLLUTION CONTROL

48. 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 protect land outside the site and to prevent adversely affecting watercourses passing through or outside the site. (Adopted County Durham Minerals Local Plan

ITEMS OF ARCHAEOLOGICAL INTEREST

49. Before any development commences in the western expansion area, the operator shall carry out an archaeological evaluation with a view to identifying items of archaeological interest, in accordance with a scheme agreed with the Mineral Planning Authority. Any items of archaeological or scientific interest discovered during the course of excavations shall be reported to the Minerals Planning Authority. Should any item of archaeological interest be discovered, no further development shall take place in the area of that discovery until the operator has secured and implemented a programme of archaeological mitigation work, in accordance with a written scheme of investigation which has been submitted to, and approved in writing by the Minerals Planning Authority.

Reason: In the interests of archaeology and to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible. (Adopted County Durham Minerals Local Plan (December 2000) Policy M33 Recording of Archaeological Remains and Part 12 of the National Planning Policy Framework).

50. Prior to the development being restored, a copy of the report on any archaeological analysis, and/or publication shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

Reason: In the interests of archaeology and to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible. (Adopted County Durham Minerals Local Plan (December 2000) Policy M33 Recording of Archaeological Remains and Part 12 of the National Planning Policy Framework).

RESTORATION

51. Restoration of the site shall be in complete accordance with the approved documents in Condition 1 and schemes subsequently approved in accordance with Condition 3.

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

52. All plant and machinery erected in accordance with this permission or in accordance with the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be removed from the site by the end of the restoration period specified in Condition 6.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

53. Upon the cessation of mineral extraction all areas of hardstanding, including access road and haul roads shall be broken up and restored in accordance with the restoration scheme shown on Figure BQ14 RevA or subsequently approved drawing.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

54. In accordance with the restoration requirements, all fixed 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 13 of the National Planning Policy Framework).

REPLACEMENT OF OVERBURDEN

55. Overburden 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 or in the formation of ponds and water bodies approved by the Minerals Planning Authority 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 13 of the National Planning Policy Framework).

56. The Minerals Planning Authority shall be notified when Condition 55 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 13 of the National Planning Policy Framework).

REPLACEMENT OF SOILS

57. All soils shall be moved and replaced in complete accordance with the approved documents in Condition 1 and schemes subsequently agreed 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 13 of the National Planning Policy Framework).

58. The Mineral Planning Authority shall be notified in writing, with at least two working days notice (excluding Sundays and Bank or other public holidays) prior to each phase of soil replacement in accordance with the scheme agreed 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 13 of the National Planning Policy Framework).

59. Soils and soil-making materials shall only be respread when it, and the ground on which it is to be placed, are in a sufficiently dry condition.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

60. The Mineral Planning Authority shall be given the opportunity to inspect each stage of soil replacement prior to further restoration being carried out, and shall be kept informed as to the progress and stage of all works. A record plan of the progress of restoration shall be maintained at the site office.

Reason: To ensure the development is carried out in an orderly manner and to ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Part 13 of the National Planning Policy Framework).

AFTERCARE

61. The aftercare period referred to in the following conditions is a period of 5 years after compliance with Condition 60 in areas where topsoil is to be spread or prior to the cessation of pumping at the site whichever is the later.

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.

62. Effective aftercare management, following on from the completion of soils replacements on the whole site shall take place in accordance with the following Aftercare Conditions, the approved documents in Condition 1, and schemes subsequently approved in accordance with Condition 3.

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

63. Before 30 September of every year, or such other date approved in writing with the Mineral Planning Authority, during the aftercare period not less than 4 weeks prior to the annual review meeting held in accordance with Condition 64, a report conforming to the requirements of the Planning Practice Guidance for Minerals (refer to paragraphs 050 – 058) shall be submitted by the developer to the Mineral Planning Authority and Natural England or successor), recording the operations carried out on the land since the date of soil replacement operations were completed, or previous aftercare meeting, and setting out the intended operations for the next 12 months (including works to rectify failures, and identified as necessary by the Mineral Planning Authority as a consequence of preceding site meeting, held in accordance with Condition 64).

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.

64. Every year during the aftercare period the developer shall arrange to attend a site meeting to be held before 30 November, to discuss the report prepared in accordance with Condition 63, to which the following parties shall be invited:
- a. the Mineral Planning Authority;
 - b. Natural England (or successor);
 - c. all owners of land within the site;
 - d. all occupiers of land within the site;
 - e. representatives of other statutory and non-statutory bodies 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.

COMPLETION AND AFTERCARE

65. 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.

That application DM/14/02372/WAS for slope stabilisation works be **APPROVED** subject to the following conditions:

DM/14/02372/WAS

APPROVED DOCUMENTS

1. The development hereby approved shall only be carried out in accordance with the following documents and any detailed matters subsequently approved under Condition 3:
 - a) Description of slope remediation works in Section 4.4 and Annex 2 of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Main Text and Annexes (July 2014)
 - b) Paragraph 13.2 of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Main Text and Annexes (July 2014)
 - c) Mitigation measures set out in Section 5 of Appendix E of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Appendices A-J (July 2014), the Habitat Management Plan contained in Annex E3: Habitat Management Plan as set out in Section 5 of Appendix E of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Appendices A-J (July 2014), Method Statement for Protected Species and Schedule 9 Weed Species July 2014 and Birtley Quarry Great Crested Newt Supplementary Information and Working Method Statement (March 2015).

- d) Birtley Quarry (Quarry Deepening and Slope Remediation Works) Hydrogeological and Geotechnical Interpretive Report – March 2016.
- e) Drawings:
 - i. Figure BQ3 – ‘Site Layout’ dated 07/14
 - ii. Figure BQ6 – ‘Slope Remediation Application & Land Ownership Boundary’ dated 07/14
 - iii. Figure BQ8 – ‘Current Site Operations’ dated 07/14
 - iv. Figure BQ9 – ‘Regularisation of Clay Extraction Limits’ dated 07/14
 - v. Figure BQ10 – ‘Phase 1 – Slope Remediation Works’ dated 07/14
 - vi. Drawing No. 47066723/GEO/R01 – ‘Proposed Earthwork Solution’ – dated 08/13

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

- 2. From the date of the attached certificate to the completion of the development hereby approved, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission and legal agreements shall always be on display at the brickworks office and subsequently, shall be made available to all persons with responsibility for the site’s aftercare and management.

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

MATTERS REQUIRING SUBSEQUENT APPROVAL

- 3. The development hereby permitted shall also only be carried out in accordance with a scheme or schemes to be approved, in writing, by the Waste Planning Authority, which shall, amongst other matters, include provision for the matters listed below. The details shall be submitted to the Waste Planning Authority within 3 months of the dated of this planning permission.

- (a) A Noise Action Plan including the exact locations of noise monitoring points and proposed monitoring frequency.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity, W32 Planning obligations for controlling environmental impact and Part 11 of the National Planning Policy Framework).

- (b) A Dust Action Plan that includes: the exact locations of monitoring points; proposed monitoring frequency; methodology to be used for assessing monitoring results; period of review of the Plan, and commitment to furnish the Waste Planning Authority with the particulars of measurements recorded within two working days of a request.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity, W32 Planning obligations for controlling environmental impact and Part 11 of the National Planning Policy Framework).

- (c) A desktop screening exercise to determine the impact on local air quality pollutants (particulates PM10 and PM2.5) from quarrying operations on receptors

in the vicinity of the quarry site. Should the impact be assessed as significant then a scheme for monitoring particulates (PM10) and for mitigating the impact shall be submitted and agreed in writing with the Waste Planning Authority.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity, W32 Planning obligations for controlling environmental impact and Part 11 of the National Planning Policy Framework).

- (d) Details of improvements to internal haul roads to facilitate the importation of waste to the areas where the material is to be tipped as shown on Figure BQ6 and details of their maintenance.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity, W29 Modes of transport, W31 Environmental impact of road traffic, W32 Planning obligations for controlling environmental impact and Parts 4 and 11 of the National Planning Policy Framework).

- (e) Measures to deal with unexpected contamination associated with the importation of inert waste material.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity, W32 Planning obligations for controlling environmental impact and Part 11 of the National Planning Policy Framework).

- (f) Details of drainage arrangements during the working life of the site.

In the interests of public safety. (Adopted County Durham Waste Local Plan (April 2005) Policies Policy W13 Nature Conservation (Local), W17 Nature Conservation (Minimisation of Adverse Impact), W24 Rights of Way, W33 Protecting Local Amenity and Parts 8 and 11 of the National Planning Policy Framework).

COMMENCEMENT

4. The development hereby permitted shall begin no later than three years from the date of this decision.

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.

5. The Waste Planning Authority shall be given at least two working days' notice in writing (excluding Sundays and Bank or other public holidays) of the commencement of importation of the inert waste material.

Reason: To ensure the development is carried out in an orderly manner. (Adopted County Durham Waste Local Plan (April 2005) Policy M33 Protecting Local Amenity and the National Planning Policy Framework).

COMPLETION

6. The slope stabilisation works shall be completed no later than 2 years from the date of commencement of importation of the inert waste material as notified to the Waste Planning Authority under Condition 5.

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

WORKING PERIOD

7. Operations authorised by this planning permission shall be restricted to the following periods:

Slope stabilisation works

07.00 hours to 19.00 hours Monday to Friday
07.00 hours to 13.00 hours Saturday

Importation of inert waste material for slope stabilisation works

09.30 hours to 16.30 hours Monday to Friday
09.30 hours to 12.30 hours Saturday

With the exception of pumping, no operations including the maintenance of vehicles and plant or working shall take place outside these hours or at any time on Bank, or other public holidays, save in cases of emergency. The Waste 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 Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity, W29 Modes of transport, W31 Environmental impact of road traffic, W32 Planning obligations for controlling environmental impact and Parts 4 and 11 of the National Planning Policy Framework).

ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY

8. Vehicular access for all vehicles to and from the site shall only be via the existing access from Station Lane via the Brickworks as shown on Figure BQ6.

Reason: In the interests of highway safety. (Adopted County Durham Waste Local Plan (April 2005) Policies W29 Modes of transport, W31 Environmental impact of road traffic, W32 Planning obligations for controlling environmental impact, M43 Minimising Traffic Impacts and Parts 4 and 8 of the National Planning Policy Framework).

9. Measures shall be taken to ensure all vehicles leaving the site do not transfer mud or dirt onto the public highway. At such times when the measures are not sufficient to prevent the transfer of mud or dirt onto the public highway, vehicle movements shall cease until adequate measures are employed which prove effective, or weather and/or ground conditions improve with the effect of stopping the transfer, to the satisfaction of the Waste Planning Authority.

Reason: In the interests of highway safety. (Adopted County Durham Waste Local Plan (April 2005) Policies W29 Modes of transport, W31 Environmental impact of road traffic, W32 Planning obligations for controlling environmental impact , M43 Minimising Traffic Impacts and Parts 4 and 8 of the National Planning Policy Framework).

10. The total number of heavy goods vehicles entering and leaving the site shall not exceed 100 (50 in and 50 out) per operational day Monday to Friday and 50 (25 in and 25 out) on Saturdays. A record of all heavy goods vehicles leaving the site shall be maintained by the operator and a certified copy of this record shall be afforded to the Waste Planning Authority within 2 working days of such a request.

Reason: In the interests of residential amenity and highway safety. (Adopted County Durham Waste Local Plan (April 2005) Policies W29 Modes of transport, W31 Environmental impact of road traffic, W32 Planning obligations for controlling environmental impact, W33 (protecting local amenity), and Parts 4 and 8 of the National Planning Policy Framework).

SITE WORKING

11. Imported inert waste material shall be deposited directly and only in the areas shown on Figure BQ6.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity, W32 Planning obligations for controlling environmental impact and Part 11 of the National Planning Policy Framework).

12. At all times works should be carried out on site in line with an approved method of working as shown on Figures BQ6, BQ8, BQ10 and Drawing No. 47066723/GEO/R01 which take into account the best available information and techniques in relation to protected species, including the protection of such species during working and the restoration of the area to benefit wildlife as works are completed in any area. This should include reinstatement and creation of habitats to encourage the biodiversity of the area.

Reason: In the interests of nature conservation and to conserve protected species and their habitat. (Adopted County Durham Waste Local Plan (April 2005) Policy W13 Nature Conservation (Local) and W17 Nature Conservation (Minimisation of Adverse Impact) and Part 11 of the National Planning Policy Framework).

13. Mitigation measures set out in Section 5 of Appendix E of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Appendices A-J (July 2014), the Habitat Management Plan contained in Annex E3: Habitat Management Plan as set out in Section 5 of Appendix E of the document entitled Birtley Quarry Environmental Statement – Applications for Planning Permission Appendices A-J (July 2014), Method Statement for Protected Species and Schedule 9 Weed Species July 2014 and Birtley Quarry Great Crested Newt Supplementary Information and Working Method Statement (March 2015) – Method Statement shall be adhered to and works undertaken in accordance with those details.

Reason: In the interests of nature conservation and to conserve protected species and their habitat. (Adopted County Durham Waste Local Plan (April 2005) Policy

W13 Nature Conservation (Local) and W17 Nature Conservation (Minimisation of Adverse Impact) and Part 11 of the National Planning Policy Framework).

14. Details of the quantity and type of waste imported to the site annually shall be submitted to the Waste 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 Waste Planning Authority in the forward planning of waste facilities.

15. There shall be no burning at the site at any time.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework).

SITE MAINTENANCE

16. From the commencement of the development, until completion of the slope stabilisation works the following site maintenance operations shall be carried out:

- f. the maintenance of fences in a stockproof and secure condition, between any areas used for development, and adjoining agricultural land;

Reason: In the interests of public safety. (Adopted County Durham Waste Local Plan (April 2005) Policies W24 Rights of Way, W33 Protecting Local Amenity and Parts 8 and 11 of the National Planning Policy Framework).

- g. the care, maintenance and fencing of trees and hedgerows 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);

Reason: In the interests of visual amenity. (Adopted County Durham Waste Local Plan (April 2005) Policy M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework).

- h. the maintenance of all the hard surfaced access roads within the site, over which licensed road vehicles operate, clean from mud;

Reason: In the interests of residential amenity and highway safety. (Adopted County Durham Waste Local Plan (April 2005) Policies W29 Modes of transport, W31 Environmental impact of road traffic, W32 Planning obligations for controlling environmental impact, W33 (protecting local amenity), and Parts 4 and 8 of the National Planning Policy Framework).

- i. the maintenance of drainage ditches to avoid reducing their capacity for intercepting sediment.

Reason: To prevent adversely affecting watercourses passing through or outside the site. Adopted County Durham Waste Local Plan (April 2005) W33 Protecting Local Amenity and W28 Flood Risk and Parts 10 and 11 of the National Planning Policy Framework

ENVIRONMENTAL PROTECTION

NOISE

17. Noise emitted as a result of operations permitted by this permission shall not exceed 45dB LAeq, 1Hr (freefield) as measured at The White House as identified in the Noise Action Plan approved in writing with the Mineral Planning Authority under Condition 3, between the hours set out in Condition 7.

Reason: In the interests of residential amenity. *(Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework).*

18. Noise monitoring shall be carried out in accordance with the scheme approved under Condition 3. On request, the operator shall, within 2 working days furnish the Mineral Planning Authority with the particulars of the measurements recorded and the plant and equipment operating on the site at the time.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. *(Adopted County Durham Waste Local Plan (April 2005) Policy M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework).*

19. 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 Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework).*

20. The details of reversing warning devices to be fitted to plant and machinery shall be approved in writing in advance with the Mineral Planning Authority and only the approved devices shall be used.

Reason: In the interests of residential amenity. *(Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework).*

DUST

21. The Dust Action Plan approved in accordance with Condition 3 shall be implemented for the duration of the development and is intended to minimise and control dust arising from and leaving the site during the hours set out in Condition 7 from all operations, including vehicular movements and depositing of inert waste material. The Dust Action Plan shall be reviewed at six-monthly intervals and the latest version adhered to at all times.

Reason: In the interests of residential amenity. *(Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework).*

22. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Action Plan approved in accordance with Condition 3. On written request the

operator shall, within two working days, furnish the Mineral Planning Authority with the particulars of the measurements recorded.

Reason: To ensure the development is carried out in an orderly manner and in the interests of residential amenity. (*Adopted County Durham Waste Local Plan (April 2005) Policy M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework*).

23. The dust control equipment installed shall be used at all times to suppress dust on the site arising during the hours set out in Condition 7 from all operations, including vehicular movements and placement of waste materials. At such times when the equipment provided and the dust suppression measures are not sufficient to suppress dust arising from the site, or the monitoring results show elevated dust or, if required, air quality pollutant (Particulates PM10 and PM2.5) levels then operations shall cease until additional equipment is provided and appropriate mitigation measures agreed with the Mineral Planning Authority are implemented and found to be adequate.

Reason: In the interests of residential amenity. (*Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework*).

24. Dust suppression measures employed may include following and those listed in paragraph 13.2 of the document entitled 'Birtley Quarry Environmental Statement – Applications for Planning Permission – Main Text and Annexes':

- i) the provision of mobile water bowsers;
- ii) the use of dust filters on all fixed plant and machinery;
- iii) a speed limit of 15 mph on all internal haul roads, with no plant having exhausts pointing downwards;
- iv) all haul roads and areas used for the storage of soils and overburden, in the absence of grassland sward, shall be watered during dry, windy weather conditions;
- v) areas which will be untouched for more than three months shall be seeded with a quick growing cover crop.

Reason: In the interests of residential amenity. (*Adopted County Durham Waste Local Plan (April 2005) Policies M33 Protecting Local Amenity and Part 11 of the National Planning Policy Framework*).

RESTORATION

25. Restoration of the site shall be in accordance with the scheme approved under Planning Permission No. DM/14/02371/VOCMW and schemes subsequently approved in accordance with that planning permission.

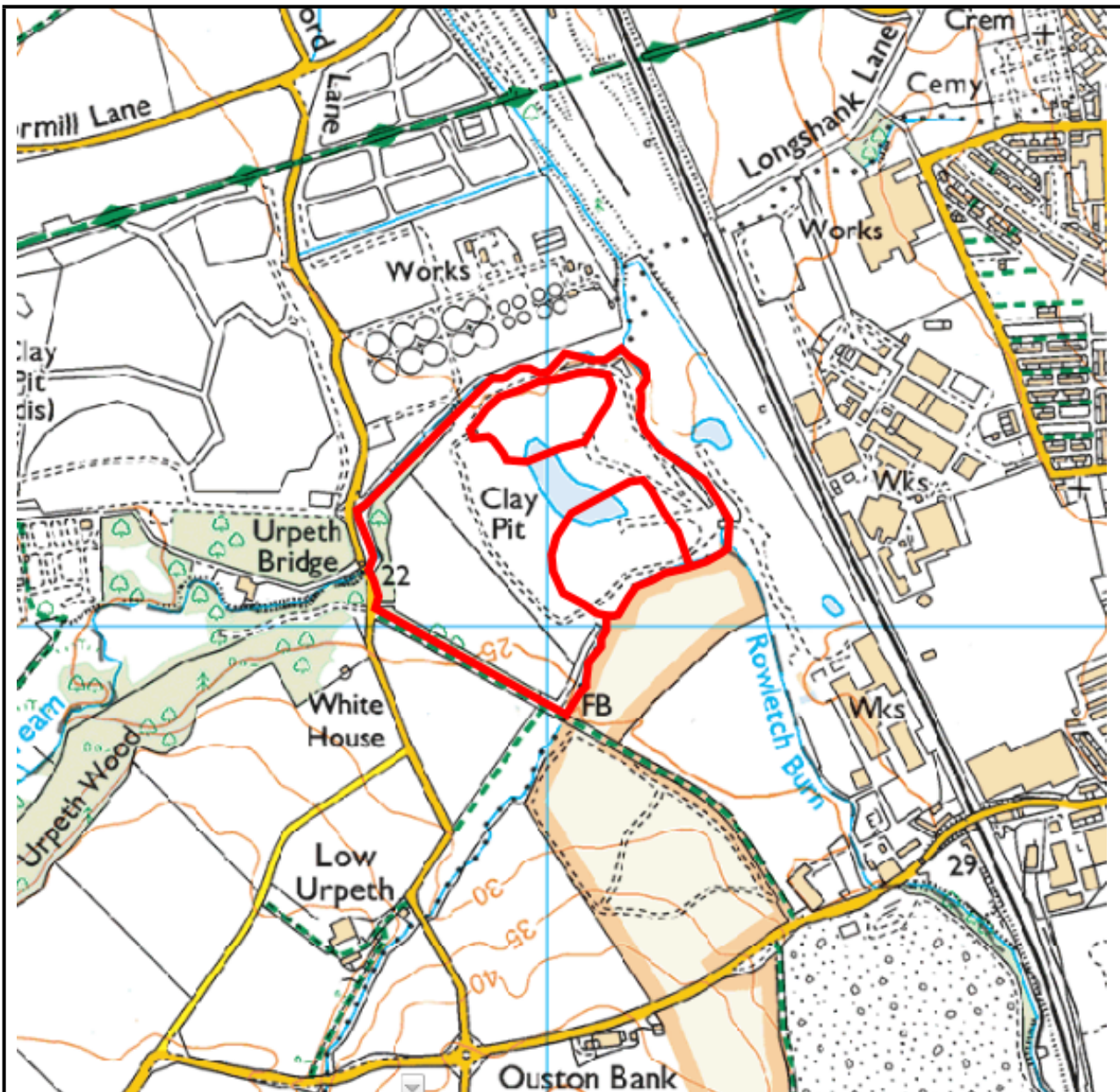
Reason: To ensure the development is carried out in accordance with the approved documents.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve these applications 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.)*

BACKGROUND PAPERS

- Submitted application forms, Environmental Statement, plans, associated documents and subsequent information provided by the applicant.
- National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- National Planning Policy for Waste (2014)
- County Durham Minerals Local Plan (2000)
- County Durham Waste Local Plan (2005)
- Chester-le-Street Local Plan (2003)
- Statutory, internal and public consultation responses.



Planning Services

1) DM/14/02371/VOCMW & 2) DM/14/02372/WAS
 1) Variation of Conditions 1 (approved documents), 5 & 6 (matters requiring subsequent approval), 7 & 8 (completion date), 9 (future works required) 13, 14, 17-21 (topsoil stripping and bunding works), 23 & 24 (method of working), 29 (equipment), 30 (noise), 32 (site maintenance), 34 (archaeology), 35 & 36 (removal of site compound, access & haul roads), 37 (provision of surface features) and 41 (maintenance of hedges and trees) of Planning Permission 2/88/116CM
 2) Remediation works using recovered inert waste materials to achieve suitable and stable restoration profiles for northern and southern faces of the quarry Land Birtley Quarry, Station Lane, Birtley

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Comments

Date
 November 2016

Scale
 Not to scale