



County Planning Committee

Date Tuesday 3 October 2017
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 meetings held on 4 and 25 July 2017 (Pages 3 - 34)
5. Applications to be determined
 - a) DM/15/00127/MIN - Thrislington Quarry West, Ferryhill, DL17 9EY
(Pages 35 - 102)

Extraction of remaining limestone reserves and revised working area for extraction of Basal Permian sand for 15 years until 2030, relocation of internal haul road and a scheme for the progressive and final restoration of the site.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

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

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

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
25 September 2017

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

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

Councillors A Bell, J Clare, D Hicks, I Jewell, C Kay, A Laing,
L Maddison, H Nicholson, G Richardson, A Shield, A Simpson,
P Taylor, M Wilkes and S Wilson

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 4 July 2017 at 1.00 pm**

Present:

Councillor F Tinsley (Chairman)

Members of the Committee:

Councillors A Bell, D Bell, J Clare, D Hicks, C Kay, H Nicholson, G Richardson, A Shield, L Taylor, P Taylor and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors I Jewell, A Laing, L Maddison, J Robinson, A Simpson and S Wilson.

Councillor M Wilkes was in attendance but took no part in voting on the planning applications under consideration as he had not yet received the mandatory training.

2 Substitute Members

Councillor L Taylor as substitute for Councillor I Jewell and Councillor D Bell as substitute for Councillor A Laing.

3 Declarations of Interest

Councillor C Kay declared a personal, non-pecuniary interest in Agenda Item 5 (b) as a volunteer at Kynren and would withdraw from the meeting during consideration of this item.

4 Minutes

Councillor F Tinsley referred to the first line of the final paragraph of the minute on page 9 of the papers and informed the Committee that this should read 2,000 people rather than 2,000 properties.

Councillor A Shield informed the Committee that he had left the meeting prior to discussion of Agenda Item 5 (e) and this was not reflected in the Minutes.

5 Applications to be determined

- a DM/16/04067/OUT - Land To The North Of Mount Oswald, South Road, Durham, DH1 3TQ**

The Committee considered a report of the Senior Planning Officer regarding an outline application for purpose built student accommodation comprising 850 bedrooms, with all matters reserved at land to the north of Mount Oswald, South Road, Durham (for copy see file of Minutes).

C Harding, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, site photographs, an indicative masterplan, indicative building heights and indicative sections. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor E Scott, local Member addressed the Committee.

Councillor Scott informed the Committee that while she expressed support in principle for purpose built student accommodation, she had concerns about the application.

In general, creeping developments such as this should be discouraged. Plans had previously been approved for a 1,000 bed student accommodation at Mount Oswald plus over 300 houses, and this application was for an additional 850 bed student accommodation. While the report indicated that further recreational facilities would come forward, it was difficult for committees, residents and Councillors to get a sense of the whole picture.

Most recent figures from the County Council showed that student residence currently accounted for just under 22% in Neville's Cross. This application would take that figure to over 50%, including other schemes which had already been approved. These additional residents would pay no council tax and because they were student residences the developer was not required to pay the same Section 106 contributions as had they been private dwellings. The total number of residences in the Neville's Cross division would be 7,000 in an area which had no GP's, no dentist and no community facilities.

Councillor Scott informed the Committee of three specific areas of concern.

Firstly, the pressure on community facilities. Paragraph 24 of the Committee report referred to NPPF Part 8, the promotion of healthy communities including the development and modernisation of facilities and services. Across the road from the development at Merryoaks was a football field and a MUGA and the football field in particular was in need of upgrading with better drainage. There were also plans for a community centre which was still in need of funding. With the vast rise of student residences and therefore students there would be a high demand for facilities. Councillor Scott informed the Committee she had requested a contribution from the developer but had been declined.

Secondly, an increase in pedestrian footfall along South Road. Paragraph 68 of the report highlighted the concerns of the Police Architectural Liaison Officer that sections of footpath on South Road were too narrow for the current pedestrian traffic. Although the developer was making some improvements to Mill Hill Lane, pedestrians would still have to spill out on to South Road even if they were

encouraged to use alternatives. The University had proposals for a pedestrian superhighway which would alleviate this problem and Councillor Scott considered the developer should contribute to this. A contribution had been requested from the developer but had been declined.

Thirdly, the previous planning application by the Banks Group on this site which had been approved included plans for a GP surgery, which made it an attractive application. Plans had now been shelved due to lack of take up from the NHS and Councillor Scott queried how robust the consultation had been. Local surgeries were currently stretched as was the Student Health Service. Councillor Scott has seen nothing to suggest any direct approaches had been made other than a light touch approach to the NHS.

Councillor Scott asked the Committee to consider a condition to the planning permission for a £250,000 voluntary contribution to be shared between sports and community facilities and the pedestrian superhighway project and to formally request the developer to revisit the GP proposal and make direct approaches in the area with the support of the Council if necessary.

This scheme would generate tens of millions of pounds in years to come and for the developer to make no contribution to the community was wrong.

Mr A Doig, Secretary of the Neville's Cross Community Association addressed the Committee to object to the application.

The Neville's Cross Ward had some 7800 registered votes. Sheraton Park would have over 400 students, the Berendsen's former laundry site will have nearly 400, the University's site would be 1000 and this application was over 800, a total of 2,600 students.

By adding in the current HMO and other students there was an average of over 10% student density and hotspots, such as Sheraton Park, had reached a 30% student density. With all of the proposed developments this would move close to a 50% student density.

The Council's background paper to the old Policy 32 specifically stated that the 'tipping point' for balanced communities was 20% of the population or 10% of the properties. It stated at that time that Neville's Cross overall was already at 19.4%, and this was before any of the above mentioned additional 2,600.

While it was understood that this proposal was not new and that it had the support of the University, the Community Association asked that, if not rejected, the application be deferred pending a full community impact statement, not just on the Neville's Cross ward but on Durham City itself.

Mr Doig presented various saved Policies which would merit a deferral as follows:

- *H13 – Character of Residential Areas* – Planning permission would not be granted for new development which had a significant adverse impact on the character or appearance of residential areas;

- *H14 – Improving and Creating More Attractive Residential Areas* –required development to respect, and where appropriate enhance, local character.
- *H16 – Residential Institutions/Student Halls of Residence* – should not detract from the character and appearance of the surroundings or from the amenities of existing residents; and would not lead to a concentration of student accommodation in a particular area that would adversely detract from the amenities of existing residents.

This area was one of the few stable affordable residential communities close to the centre of the City. It attracted young couples, many of whom worked at the University or the hospital and many of whom had young families. The area was home to two popular primary schools and a limited number of other local amenities of one pub, one newsagents, one coffee shop and a local supermarket. The approach must be to consolidate and sustain such a community, and one that was based on informed local discussion and local decisions by local people.

Not to do so would offend the following NPPF policies:

- *Policy 14 – Sustainable Development* - a presumption in favour of sustainable development.
- *17 – Planning Principles* – planning should be genuinely plan-led, empowering local people to shape their surroundings.
- *47 and 50 – Choice of homes* - local planning authorities should ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.
- *69 – Inclusive Communities* - the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.
- *Annex One of the NPPF* - cases in which a local authority can refuse permission on the grounds of prematurity are likely, but not exclusively, to be limited to situations where: "*the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning...*"

The Neville's Cross Community Association was of the collective view that the totality of this development was disproportionate in size and disruptive in practice to the balance, health and sustainability of the residential community. Its wider impact on the amenity in terms of what was or would be offered to residents, rather than the student market, within Durham City underlined that this application would continue the process of significantly tipping the balance sought by both the NPPF

and by the Council's own policies for sustainable and balanced communities and the protection of existing amenity.

The Community Association requested that the application be rejected, or at the least deferred, until a full community impact assessment reflecting the Saved Policies and the NPPF was undertaken.

Ms M-L Milliken of the Banks Group addressed the Committee. Ms Milliken informed the Committee that the applicant supported the planning officer's report, which contained a robust assessment of the proposals and confirmed that the development was appropriate on the Mount Oswald site. This was reinforced by the positive recommendation contained within the report.

The Banks Group was a family-owned employer, established over 40 years ago in County Durham and was experienced in bringing forward a wide range of property and energy projects, such as on the Mount Oswald scheme.

As made clear in the planning application statement, there was a clear, identified need for further student accommodation within the Durham City area. The applicant considered Mount Oswald to be the most appropriate, logical and sustainable location for this, as it was situated adjacent to the existing University campus. The site currently benefitted from good connections to Durham City Centre, however connectivity would be further enhanced by the proposals, through the provision of a new pedestrian route along Mill Hill Lane, to form a safe and attractive alternative to South Road.

The new route had the full support of Durham University.

The applicant had worked proactively with the Council throughout the development process, to ensure that the proposals were acceptable from a technical perspective, including landscape, heritage, highways, flood risk and ecology. Notably, the Council's Landscape Officer considered the proposals to be sympathetic in their scale and massing to the local context.

Fundamentally, the application was a different type of student accommodation to other types being proposed around the city centre. The development would be collegiate in style and would include different accommodation types, including flats and town houses.

This was an excellent opportunity to provide the high quality student accommodation that the City needed, in a logical and sustainable location.

Ms Milliken asked the Committee to support the Planning Officer's recommendation and grant approval of the application.

The Senior Planning Officer responded to the issues raised during the presentations.

Section 106 contributions for a development needed to be specific and supported by Policy. The suggested Section 106 contribution of £250,000 could not be

supported by policy and there was no evidence of how the sum of £250,000 had been arrived at.

Durham Constabulary had raised concerns about the footpath at South Road and these had been accepted by the Council, the applicant and the University and the University was working on a pedestrian superhighway project. This application proposed improved facilities on Mill Hill Lane and this was considered the best way to mitigate the impacts of the development. Any developer only needed to mitigate the impacts of a development.

Provision of a GP surgery on the site had been identified at the outline application for this site and at present there were no plans to bring this forward as part of this application. If future demand for this rose sufficiently then the Council would have the opportunity to take this up with the applicant.

Councillor Clare made reference to the tipping point of 20% in Council Policy, which this development would take over that tipping point. Councillor Clare referred to the issue of prematurity and suggested the application may be deferred pending the production of a community impact statement to assess the community damage from it.

The Senior Planning Officer responded that there could be no argument regarding prematurity because there was no County Durham Plan. He was unaware of any current Policy which referred to a tipping point of 20% and added that Policy 32 in the withdrawn County Durham Plan carried no weight. He was not aware whether a community impact statement had ever been done for student accommodation, what the scope of such an assessment would be, and which in any event was not a validation requirement.

Councillor Clare requested that the site location plan be displayed. The area for the proposed development was near to many Colleges at the University. If an area was to be identified to expand student accommodation then this was just as good a location as any. However, the site directly abutted residential accommodation and Councillor Clare requested that at the reserved matters stage measures were taken to ensure a seamless dovetailing from residential into student accommodation. Councillor Clare informed the Committee that he was minded to approve the application.

Councillor Nicholson informed the Committee that his concerns regarding pedestrian access had been addressed. Durham University was a world class facility and this was an ideal location for the expansion of purpose built student accommodation. Councillor Nicholson **moved** approval of the application.

Councillor Wilkes informed the Committee that he accepted this was one of the better locations in the Durham for student accommodation and there was a need for such accommodation. The site for the proposed development had originally been identified for up to 25 houses but now an 850 bedroomed accommodation was proposed on top of the 1,000 bedroomed student accommodation approved nearby, with no extra money to help in the location to provide needs such as shops or a GP surgery.

Although improvements were proposed on Mill Hill Lane, pedestrians would then emerge onto Elvet Hill Lane and South Road, none of which was being mitigated. The footpath along South Road was only wide enough for two pedestrians and Councillor Wilkes asked where the funding was to mitigate this aspect of the proposed development.

Councillor Taylor congratulated the Planning Officer on his report, which addressed the areas of concern which had been raised. The location of the proposed student accommodation was ideal and Councillor Taylor **seconded** approval of the application.

Councillor Shield informed the Committee that he had considered the presentations by the local Member and Mr Doig. While the NPPF was an overarching Policy document he considered that Policy H16 of the City of Durham Local Plan should also be afforded weight. This application would result in a community imbalance and no community impact assessment had been carried out. Mr Doig had referred to NPPF Policies which were not included in the Officer's report. Councillor Shield could neither support approval of the application, nor could he vote against the application and requested that it be deferred pending a community impact assessment.

The Senior Planning Officer clarified that Policy H16 of the City of Durham Local Plan could still be afforded significant weight, and that the development plan remained the starting point for decision making in this instance.

Councillor Tinsley considered the site to be the correct location for the expansion of University accommodation and that the University was a significant part of the character of the area. He considered the proposed Condition 3 of the permission, that no part of the development shall exceed a four storey height, to be significant. He welcomed the additional funding which was being proposed for the Park and Ride facility and accepted that any payments needed to be both necessary and relate to the development.

Councillor Wilkes considered that the application was in breach of NPPF Parts 4, 7 and 8 and Policies H16, T1 and Q8 of the City of Durham Local Plan and should be rejected or deferred pending an impact assessment.

Upon a vote being taken it was

Resolved:

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

- A financial contribution of £129,260 to increase bus capacity on the Park and Ride Scheme
- A voluntary scheme of targeted recruitment and training for the construction phase

and the conditions contained in the report.

b DM/16/01129/VOC - Flatts Farm, Toronto, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding the following applications:

- i) Variation of conditions no.2 (approved plans) of planning approval DM/15/00110/FPA (re-development to allow the staging of historical show) to allow changes to site layout, and design of buildings, and condition 13 (restriction of access) and removal of condition no. 9 (car park opening times) at Flatts Farm, Toronto, Bishop Auckland;
- ii) Change of use of land to temporary event parking (1,400 spaces) including coach drop off area and associated infrastructure and formation of pedestrian access to main event site on land to the east of Red Barns and North of A689, Addison Road, Toronto, Bishop Auckland;
- iii) Change of use of agricultural land to ecological mitigation provision Walsh Site at the site of the former brickworks, North of Barrington street and A689, Toronto, Bishop Auckland;
- iv) Change of use of agricultural land to ecological mitigation provision on land at Newton Cap to the south of Waterside Cottages.

(for copy see file of Minutes)

S Pilkington, Senior Planning Officer, gave a detailed presentation on the applications which included a site location plan, aerial photographs, views across the event site, a view of the modified access, views of access into and the parking layout at the Colliery Fields site and the approved and proposed masterplans.

The Senior Planning Officer informed the Committee that an additional four letters of objection had been received but had not raised any new areas of objection that the report did not already cover.

A document pack which had been supplied by objectors and included a map of the Colliery Field Car Park area, letter dated 23 June 2017 from Richard Buxton solicitors and a 'Salient Facts' sheet about The Shield's Car Park had been circulated to Committee Members in advance of the meeting and hard copies were available at the meeting (for copy see file of Minutes).

The Senior Planning Officer informed the Committee that the contents of the letter from Richard Buxton had been considered and officers were of the view that there was sufficient information to assess the environmental impacts of the applications.

Mr J Wilson addressed the Committee to object to the application. Mr Wilson informed the Committee that the residents of Toronto were dreading this season's Kynren event and showed a video to the Committee of traffic exiting the Colliery Field Car Park after an evening staging of the event.

Ms T Pemberton, on behalf of local residents, addressed the Committee to object to the application for the Colliery Fields car park.

The video which had been shown to the Committee was illustrative of the operating conditions of the Colliery Field car park during the staging of last year's Kynren

events, because this was a retrospective planning application. When the video was taken last year there had been up to 900 cars on site and it gave a useful sense of what local residents had put up with and already experienced. This application was for up to 1400 cars on the same site, which was half as many again as last year.

The saved Wear Valley Local Plan at Policy TM1 stated that tourist schemes would be supported where the scale of the development did not affect the amenities of local residents. The video shown demonstrated that the amenity of local residents was already being adversely affected.

The nearest house was some 34 metres to the road and 40 metres from the car park exit. As a comparison, the distance to the back of the Chamber in which the meeting was being held was some 20 metres.

It was misleading for the report to state that at the worst case scenario noise levels from the car park would not disturb sleep because this is already happening. Last Saturday night the Colliery Fields car park had been used by 341 cars out of a potential 1400, yet couldn't be emptied before 12.10 a.m., with traffic management being noisily tidied away after 1 a.m.

While some efforts to address the issue of traffic seemed to have been made, for example the main road has remained open for through traffic and temporary traffic lights used during events. However, the temporary traffic lights resulted in traffic stopping and accelerating more often and this resulted in increased noise and fumes.

There was an element of chaos and confusion, including:

- the temporary traffic lights not working
- a car turned right into wrong lane
- a car turned right from the main road into the exit lane of car park
- cars performing U-turns in the main road and exceeding the speed limit.

This was an EIA Development and the Council was required to ensure that all the environmental effects likely to arise from the proposal were assessed before development consent was granted. The environmental statement and other environmental information relating to this proposal was inadequate and failed to assess the environmental harm for any resident living in areas of Toronto near to the car park exit and the bypass road.

Advice received from Richard Buxton, Environmental and Public Law, was that unless the Council effectively regularised the anticipated operations including the requirement for further environmental information then it would be acting unlawfully in granting permission and that injunctive relief may be necessary to prevent the use of the car park at Colliery Fields.

Ms A I Dauton, on behalf of Eleven Arches, addressed the Committee in support of the application.

Eleven Arches was a registered charity with the objective to produce a world class historical show which added a national tourist destination to the region that delivered tangible, measurable, significant social and economic impact.

On 2 July 2016, Eleven Arches produced and presented the first season of 'Kynren an epic tale of England', an open-air summer spectacular on monumental scale. Orchestrated by a 1,500 volunteers, Kynren offered an enthralling family entertainment for all ages.

The site was purchased by the Auckland Castle Trust in 2012 to provide a seamless addition to the castle experience to a wider audience, away from the historically and ecologically sensitive setting of the Park itself. Eleven Arches was set up as a sister charity to Auckland Castle Trust to further the development of the site, and support the creation of an international tourist destination in Bishop Auckland.

Eleven Arches' mission was to produce Kynren as a world-class show, to be a trip attractor which encouraged overnight visits to County Durham and brought tourism-related expenditure, capital investment and jobs. It was overnight visitors who made a significant difference to the regional economy. While day trippers typically spend £19 per day, overnight visitors were likely to spend £157, a driver for the creation of jobs. Offsite tourism expenditure around Kynren was expected to be in the region of £4.75million per annum, and that would be compounded by what was spent at other attractions when visitors built a short or long-stay around the show.

In the inaugural season more than 100,000 tickets were sold with 23% of visitors coming from outside the North East. Visitors came from all over the UK and all over the world, including the USA, China, South Africa and the Middle East. In 2017, 17 shows would be staged with an expected footfall of 136,000 and 18 shows were planned for 2018 and beyond, attracting up to 144,000 visitors to Bishop Auckland each season.

Kynren was not-for-profit. As a registered charity Eleven Arches was committed to education and community development and endeavoured to professionally train all volunteers in the key skills needed to produce a world-class show to ensure its longevity for decades to come. Based on extensive research commissioned after the first season, over 85% of volunteers felt they had developed new skills thanks to their Kynren experience.

Kynren had given its volunteers a sense of belonging and an appreciation of the importance of being part of a community. Volunteers felt great pride in what had been achieved through Kynren, both on and off stage, and their contribution to creating a better future for Bishop Auckland.

Kynren was created thanks to an initial £35m investment, funded entirely by charitable donations, used for the infrastructure of the site and the show area, and creating, producing, operating and marketing the show in its first year.

From 2017 onwards, Kynren operated on the previous year's proceeds. Profits from tickets and merchandise sales flowed back to the charity to reinvest in the

show and keep it at its best. However, there was a need to continually increase the skill level for volunteers to make the show the success it must be. There was a critical need for additional funds to train more people in more skills each year, to create extraordinary with ordinary people and to sustain the long-lasting social and economic regeneration loop.

In 2016 the community around Bishop Auckland made history and it now thrived on its renewed sense of belonging, pride and purpose. Kynren was truly an inspiration for participants and visitors alike. The backstage of Kynren showcased a vibrant community with a soul, humility, positivity, warmth, dedication and professionalism. Eleven Arches had delivered the first stepping stone of a bold and unconventional regeneration mission in the North East, an example of a work of arts underpinned by an innovative and engaging education and community development programme.

The Senior Planning Officer informed the Committee that Environmental Health Officers had visited the site and considered the cumulative impact was no greater than through the original planning approval. Complaints of statutory noise nuisance had been investigated and had been determined not to be so. The noise generated through the show itself was lower than anticipated at the original planning application.

Councillor Wilkes asked what the proposed s106 payment of £307 per event was for and asked why, when the event had been staged last year, it had taken until the second season of the event to commence before this application was brought to Committee.

The Senior Planning Officer replied that the s106 payment of £307 per event replicated that which was included in the original planning application and was for traffic and enforcement costs. It was regrettable that the application had taken so long to be brought to Committee but there had been a lot of changes to the masterplan which included on-site grazing. Work had taken place to provide optimum solutions at other sites.

Councillor Taylor informed the Committee that both sides in the presentations had spoken passionately. Kynren had been a wonderful event to date and Ms Daulon seemed to be offering discussions with the objectors to address their concerns. Councillor Taylor hoped some agreement could be reached. He did not consider the video shown by the objectors to truly reflect disturbance caused by traffic because it had been taken at the roadside and not from a house.

Councillor Shield considered the impact on local amenity against Local Plan saved Policies and considered the application was in breach of Policy TR1 which stated that schemes which provided tourist facilities should have adequate parking facilities and Policy GD1 which stated that new development should not cause significant pollution to the environment in terms of noise pollution and not create unacceptable levels of traffic which would exceed the capacity of the local road network.

Councillor Clare informed the Committee that Paragraph 98 of the report acknowledged the conflict with Local Plan Policies, including GD1, but this issue

had been considered when the original planning application was made and approved because the benefits of Kynren were considered to outweigh the negatives.

Councillor Clare did not consider that the retrospective changes significantly changed the original planning permission to now make it unacceptable. Referring to noise pollution, monitoring had been carried out by Environmental Health Officers which confirmed that noise levels generated at the shows were below those anticipated in the consideration of the original planning application and as specified in the event licence. The issue of noise from car parks was addressed in paragraph 121 of the report which stated that Environmental Health Officers had investigated complaints received during the first shows last year and had concluded that a statutory nuisance had not arisen.

Councillor Clare informed the Committee that it he found it difficult to decide about light pollution from cars leaving the car park and whether the proposed landscape buffer would screen out most of the direct light.

Councillor Clare referred to the objectors stating there was inadequate Environmental Impact Assessment of the application and that if the Committee proceeded to determine the application on the basis of the report then it would be acting unlawfully. If the Committee was given an assurance that this was not so, then Councillor Clare considered that the application should be considered as the original application was, that is by weighing the negative impact of the application against the many positive benefits to the local community.

In reply to a question from Councillor Bell, Councillor Tinsley confirmed that the Colliery Fields car park had been used since the event started last year.

Councillor Richardson considered Kynren to be a successful event and an attribute to the County, which brought in tourists and contributed to the local tourism industry.

Councillor Tinsley informed the Committee that the principle of a large scale visitor attraction in the area had been established. He considered that the event organisers had tried to mitigate disturbance caused by it through staging events at different times where possible and also by using lighting for the car park which was mains connected and therefore did not have generators. Car parking provision in Bishop Auckland Town Centre had been increased. Councillor Tinsley asked what assessment had taken place on residential noise receptors.

The Senior Planning Officer replied that Environmental Health Officers had visited the site and provided an informed narrative on noise at the site. A specific noise survey would not add to this. Environmental Health Officers considered that the movement of traffic on the bypass road would be the dominant noise source.

D Wafer, Strategic Traffic Manager informed the Committee that the traffic management plan which had been agreed for last year's event had changed for this year. Last year the bypass road had been closed but this year it remained open.

Traffic management for the event was reviewed on an event by event basis. There were no highway safety concerns about entering and exiting the event.

D Taylor, Property, Planning and Projects Legal Manager advised the Committee that the letter from Richard Buxton which had been submitted by the objectors suggested that this was an EIA Development and as such the Council must ensure that all environmental effects likely to arise from it were assessed before consent was granted. Officers had been satisfied that there was sufficient information available to make a determination on the application. The issue of retrospective planning permission in respect of an EIA Development was covered at Paragraph 146 of the report, and it was suggested that in these applications the applicant argued that 'exceptional circumstances' applied because of the need to undertake work retrospectively to facilitate the delivery of the show and to secure the wider social and economic benefits.

Moved by Councillor Tinsley, **Seconded** by Councillor Richardson and

Resolved:

- (i) That application DM/16/01129/VOC be approved subject to entering into a section 106 legal agreement to secure the provision of :-
 - An annual parking contribution of £4340 towards the administration of traffic and parking measures associated with the events.
 - A Parking contribution of £307 per event.
 - The implementation of applications DM/17/01800/FPA and DM/17/01802/FPA to deliver ecological mitigation.

and the conditions contained in the report.

- (ii) That application DM/16/01134/FPA be approved subject to the conditions contained in the report
- (iii) That application DM/17/01800/FPA be approved subject to the conditions contained in the report.
- (iv) That application DM/17/01802/FPA be approved subject to the conditions contained in the report.

c DM/15/03019/OUT - Land On The North East Side Of Cross Lane, Sacriston

The Committee considered a report of the Senior Planning Officer regarding a hybrid application for outline development of 3.8ha of land (approximately 116 dwellings) (all matters reserved) and full planning application for the erection of 84 dwellings with associated access, infrastructure, landscaping and car parking and access (amended description) on land on the north east side of Cross Lane, Sacriston (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, site photographs, detailed and indicative layouts and proposed house types. 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 that one additional letter had been received which expressed concerns at the number of housing units proposed.

Mr A McVickers, agent for the applicant, addressed the Committee.

It was important in order to meet current and future housing needs that residential development continued to be brought forward and delivered across the region within the interim period during which the Emerging County Durham Plan was being progressed.

Despite the National and county wide objective of boosting significantly the supply of housing it was also equally important that on a local level the right sites, which were appropriate and sustainable in nature, came forward to form the housing supply. This was of greater concern in light of the current 5 year housing land supply position increasing the potential for speculative applications on less sustainable sites.

The applicant felt it appropriate to bring forward this application ahead of the emerging plan as through evidence based documents such as the Strategic Housing Land Availability Assessment and Sustainability Appraisals, which remain as material considerations, the Council highlighted this site as a suitable and sustainable development site unconstrained by greenbelt designation, which should come forward in the short term.

The application site was identified as part of a wider site incorporating land parcels to the north as a draft housing allocation for circa 370 dwellings within the submission version of the former County Durham Plan. This application, in light of the Plan's revocation, sought to deliver approximately 50% of these dwellings as a conscious effort to strike a balance by proposing what the applicant believed was a suitable scale of development for the site in the current Local planning policy climate.

The scheme proposed the delivery of 200 new homes providing an excellent range and choice of 3 and 4 bed properties ranging from 739sq.ft up to 1,275 sq.ft ensuring that the development would meet the housing needs of a wide range of the market whilst also providing onsite, a full policy compliant 15% affordable housing provision.

The hybrid approach to the application of securing 84 dwellings in detail with a further 116 in outline had been utilised to grant greater flexibility in the housing mix for later phases to allow the applicant to more easily reflect market demands in the type and size of homes proposed in the later phases through Reserved Matter applications rather than having to vary the existing permission. The incorporation of an 84 unit detailed element to the application represented the applicant's commitment to develop the site by facilitating the commencement of development as early as possible.

Throughout the planning application process the applicant had worked closely with the planning officer to address any and all issues and concerns that had arisen from local residents, statutory and internal consultees. Amendments to the house type selection and site layout had resulted from these discussions ensuring that the development was of a high design quality which would deliver a visually attractive housing scheme set within a legible site layout and green infrastructure framework. Further to this the applicant had provided additional assessments in regards to Air Quality, Noise, Transport, Drainage and Ecology to guarantee that the application fully assessed and mitigated against all impact receptors, such that there were no outstanding objections from any internal or statutory consultees and therefore confirming that there were no technical reasons why the application should not be approved.

In accordance with the National Planning Policy Framework the application should be considered in the context of the presumption in favour of sustainable development. The development did not result in any adverse impacts which would significantly and demonstrably outweigh the benefits listed by the case officer within his report nor were there any specific policies within the NPPF that indicated development should be restricted. As such the applicant requested that committee members support the officers' recommendation to approve this application such that the benefits of the development could be realised.

Councillor Clare informed the Committee that he considered the development would have a residual landscape harm. However, there was insufficient to refuse the application in light of the strategic housing land availability assessment and the planning officer's recommendation. Councillor Clare **moved** approval of the application.

Councillor Wilkes informed the Committee that areas near to the site had experienced extreme flooding incidents and hoped that the mitigation proposed was sufficient. Councillor Wilkes also asked whether there was any provision proposed for public art from the application.

Councillor Shield considered that the application should be considered under NPPF Part 14 and in **seconding** approval of the application added under the previous spatial policy the site was considered to be outside the settlement boundary for Sacriston.

Councillor Richardson informed the Committee that he could not support approval of the application due to the resulting loss of agricultural land.

Councillor Tinsley informed the developer that he was disappointed with the hybrid nature of the application which could result in some of the site being developed and some not.

The senior Planning Officer, in responding to Councillor Wilkes, informed the Committee that drainage proposals for the site had been considered suitable by Drainage and Coastal Protection. Additionally, the need for a scheme for the provision of public art on the site was included at Condition 18 of the permission.

Upon a vote being taken it was

Resolved:

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

- 13 on site affordable units in phase 1.
- 15% on site affordable housing units on phase 2.
- £200,000 towards open space and sporting provision within the Electoral Division.
- Provision of pedestrian/cycle multi user route to Brookside/Morningside Close.

and the conditions contained in the report.

d DM/17/00713/FPA - Maiden Castle Sports Centre, Graham Sports Centre, Maiden Castle, Durham, DH1 3SE

The Committee considered a report of the Senior Planning Officer regarding an application for the reconfiguration and resurfacing of three sports pitches including the erection of associated floodlight columns and enclosures, hard and soft landscaping, and revised access arrangement and car park layout at Maiden Castle Sports Centre, Graham Sports Centre, Maiden Castle, Durham (for copy see file of Minutes).

A Inch, Team Leader, Strategy Team gave a detailed presentation on the application which included a site location plan, site photographs, existing site plan and proposed masterplan.

The Team Leader informed the Committee that since the publication of the report there had been a dialogue with Environmental Health Officers which had resulted Condition 3 being withdrawn. There were also amendments proposed to Conditions 4 and 5 to allow and agree a phased approach.

Mr Q Sloper of Durham University addressed the Committee in support of the application.

Durham University was a world class university and was within the top 100 universities in the world. It was the only university within County Durham and it did not underplay the value of sports, which were part of the wider student experience. The existing facilities at the site were at full capacity and did not meet the demands of the existing College and University Sport programme. The enhanced sports facilities would benefit both the University and the wider community, with the Centre already a sports hub. The proposal would enable the site to remain in viable sports use and would ill be a first step to ensuring that the University's facilities are more attractive to host major, external sporting events that would raise the profile of the University, the City and the region.

The site was sustainably located and was accessible from Durham City and nearby University facilities. The proposed development contributed to all three dimensions of sustainable development and would deliver substantial benefits in each area.

The improved facilities would contribute to supporting the sustainable growth and student experience of the University by providing improved facilities and would also enable the site to become more accessible and available for the wider community

The proposed development was an appropriate development in the green belt and solely related to the reconfiguration and upgrade of three of the existing pitches with associated landscaping, access and reconfigured parking.

Councillor Richardson **moved** approval of the application.

Councillor Wilkes expressed concern that the proposal involved the removal of 56 mature trees which would have an impact on visual amenity. Councillor Wilkes hoped that any trees planted under the application would be of a significant size.

Seconded by Councillor Taylor and

Resolved:

That the application be approved subject to the Conditions contained in the report, as amended.

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 25 July 2017 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors A Bell, H Bennett, J Clare, D Hicks, I Jewell, C Kay, H Nicholson, G Richardson, A Shield, F Tinsley (Vice-Chairman) and M Wilkes

1 Apologies for Absence

Apologies for absence were received from Councillors A Laing and P Taylor.

2 Substitute Members

Councillor H Bennett as substitute Member for Councillor Laing.

3 Declarations of Interest

Councillor J Robinson declared an interest in Agenda Item 4 (c) – Land to the South of Eden Drive, Sedgfield because he had previously spoken on this application and had also spoken at the Planning Appeal. He would leave the room during discussion of and voting on the Item.

During the discussion of Agenda Item 4 (a) – Land at the North of Woodhouses Farm and South of Etherley Moor, Wigdan Walls Road, Woodhouses Councillor A Bell informed the Committee that he had come to realise he potentially knew the owner of the land the subject of the application because he rented a property from him. Councillor Bell was advised to leave the meeting during discussion of and voting on the Item.

4 Applications to be determined

a DM/17/01765/FPA - Land At The North Of Woodhouses Farm And South Of Etherley Moor, Wigdan Walls Road, Woodhouses, DL14 0ST

The Committee considered a report of the Senior Planning Officer regarding a resubmission of application DM/16/03249/FPA, a hybrid application for full planning permission for the erection of 123 dwellings and outline planning permission with landscaping reserved for up to 111 dwellings on land at the north of Woodhouses Farm and south of Etherley Moor, Wigdan Walls Road, Woodhouses (for copy see file of Minutes).

A Inch, Team Leader, Strategic Team gave a detailed presentation on the application which included a site location plan, aerial view of the site, site photographs from along Etherley Lane, Rockingham Drive and Wigdan Walls Road and a site layout plan. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Councillor Kay informed the meeting that the site of the proposed development was in the proximity of where he lived and sought advice on whether he should declare an interest. C Cuskin, Planning and Development Solicitor replied that providing Councillor Kay approached the application with an open mind, did not know the applicant and had no interest in the land then there would be no need to declare an interest.

The Team Leader, Strategic Team continued the detailed presentation of the application with details of proposed entrance arrangements, 3D images of house types and street scenes and details of the proposed SUDS area.

Since the publication of the report two additional letters of objection had been received but the issues raised were similar to those lodged by other objectors.

Councillor C Wilson, local Member, addressed the Committee to object to the application. Councillor Wilson informed the Committee that she was speaking on behalf of the Kent Brothers of Wigdan Walls Farm and local residents who were concerned about the development. Wigdan Walls Road was twisty and was narrow in places which made it difficult for two cars to pass. Local residents were concerned that this would be made worse by this development which would bring more traffic onto the road. The road to Woodhouses through Tindale Crescent currently experienced horrendous traffic problems because of the shops which were there. Traffic was also bad on Cockton Hill and Councillor Wilson was concerned about the impact extra traffic would have on these local junctions.

The proposed development would have an impact on demand for local school places and would add to pressures on GP surgeries and the local hospital and Councillor Wilson asked how these services would cope with the extra people from the development. There was a brownfield site ½ a mile from the application site which should be developed before this site.

The impact of the development on Wigdan Walls Farm would be immense. The Kemp family had lived and worked on the farm since the 1960s and were successful breeders of speciality cows. However, the farm produced smells and noises from the cows. Some of the properties on the proposed development would be situated near to the farm and Councillor Wilson was concerned how these properties would cope with such noise and smells.

Councillor Wilson asked the Committee to refuse the application.

Mr T Kemp of Wigdan Walls Farm addressed the Committee to object to the application. W R Kemp and Sons were among the top breeders of Hereford cattle in the United Kingdom and had plans to expand their business to cope with

demand. A new cattle housing would be erected within the next few years and this, by its very nature, would produce odours and noise. The cattle were mucked out every morning at 5 a.m. and this could lead to future conflict with properties proposed for the new development.

Wigdan Walls Farm had plans to diversify their business and feared that this proposed development would lead to potential future conflict with the farm, for reasons of noise and odour.

Mr Kemp asked the Committee to refuse the application.

Mr D Stephenson-Newby addressed the Committee to object to the application. Mr Stephenson-Newby informed the Committee there was little new evidence to approve this application over that which was previously refused other than it being on a smaller scale. The proposed development was on the wrong side of Bishop Auckland and traffic travelling west to east, rather than accessing the bypass, would pass through the existing 'Wimpy' housing estate.

Mr Stephenson-Newby informed the Committee that there were brownfield sites nearby which should be considered for development before this site, which was prime agricultural land. The site was home to lapwings, starlings and grouse, all of which were declining in numbers.

Mr Stephenson-Newby asked the Committee to refuse the application.

Mr Stickells, local resident, addressed the Committee to object to the application. Mr Stickells informed the Committee that there was a stronger reason now to refuse the application because, since the first application was refused, planning permission had been granted for development on the north side of Etherley Moor which would generate 300-400 vehicle movements to the site. This would result in a vast increase in traffic in the area and also to a vast increase in air pollution. Hospitals, schools and doctors were all full to capacity.

Mr Stickells considered that the benefits of the development were outweighed by the disadvantages and asked the Committee to refuse the application.

J McGargill, Highway Development Manager informed the Committee that the previously refused application had been considered acceptable in transport terms. This application had been looked at afresh taking into account the recently granted planning permission on the north side of Etherley Moor.

Consideration had been given to traffic generated and the distribution of the traffic. It had been calculated that 84% of traffic would travel towards Bishop Auckland Town Centre and 16% would travel west. This equated to 33 2-way trips to the crossroads on Wigdan Walls Road and 10-15 additional trips along Wigdan Walls Road during peak periods.

It was accepted that the Tindale Crescent and Cockton Hill Road junctions and two roundabouts on the A688 were operating at saturation point. However, mitigation was proposed for Cockton Hill junction where the road would be widened where

possible and also software installed to control the traffic signals and Tindale Crescent junction would be improved.

There would be a distribution of traffic to the highways network which the proposed contributions by the developer would help to mitigate.

The Team Leader, Strategic Team informed the Committee that particular scrutiny had been made of the noise and odour impacts from Wigdan Wall Farm on the proposed development. A detailed noise and odour assessment had been carried out and advice sought from Environmental Health Officers. Although odour on the farm was not pleasant at times, as distance increased this odour effect reduced. The nearest property on the proposed development would be 150 metres from the farm where the impact of odour would not be significant.

There were two planning applications currently being assessed for brownfield sites in the area, but there was no policy that brownfield sites must be developed before greenfield sites.

With reference to services in the area the Team Leader informed the Committee that the NHS had been consulted on the proposed development. There had been no response to this consultation which might have been expected had there been any capacity issues in the area. The development would bring with it a financial contribution of nearly £700,000 to increase educational capacity in the area.

Mr P Jones of Lichfields, agents for Avant Homes, addressed the Committee. The Committee report was comprehensive and balanced and the application had received no objections from statutory or County Council consultees. The applicant had worked hard to ensure that the impacts of the development were acceptable and had re-submitted the application to address the issues raised by the previous application.

The development would bring 234 executive style homes, 10% of which would be affordable housing and proposed highway improvement works to mitigate the impact of the development. A landscape visual impact assessment had been carried out and trees and hedges would be retained. An additional odour assessment had been carried out for potential odours from Wigdan Walls Farm.

A financial contribution of nearly £700,000 was proposed towards education provision and the public right of way through the site would be maintained and resurfaced. The economic impacts of the development were not insignificant with a proposed community contribution of £300,000 and targeted local recruitment during construction.

The development proposed a scheme of mitigation for the impact it would have on highways and junctions and this scheme had been agreed by Council highways officers.

Councillor Wilkes referred to the housing land supply figure in paragraph 71 of the report, which was as of April 2017. However, since April 2017 planning permission

had been granted for housing developments and Councillor Wilkes therefore considered the housing land supply figure in the report to be out of date.

The Strategic Team Leader replied that the housing land supply figure was up to date and that the figure in the report was that used at planning appeals. The Council could not demonstrate a 5 year housing land supply, and in the absence of this, NPPF part 14 would apply.

Councillor Wilkes informed the Committee that another planning application on the agenda for consideration quoted the same housing land supply figure and therefore could not be up to date. He questioned the accuracy of the figure because of the number of planning applications approved since April 2017.

Councillor Tinsley reminded the Committee of the need for consistency. At a planning appeal held this week the Council was unable to demonstrate a 5 year housing land supply. However, Councillor Tinsley accepted there was a need to re-visit this figure in view of planning applications which had been approved since April 2017.

Councillor Tinsley sought clarification on the outline element of the application and asked whether access, layout, scale and appearance had been agreed and the only reserved matter was landscaping.

Councillor Robinson informed the Committee that he would request Legal and Democratic Services to produce an up to date figure for housing land supply for the next meeting of the Committee in September.

The Planning and Development Solicitor informed the Committee that the housing land supply figure in the report was the most up to date assessment and that NPPF 14 applied.

Councillor Kay informed the Committee that whether the housing land supply figure of 4.91 years was correct or not, this was a greenfield site which was not identified in the SHLAA. Councillor Kay considered that nearby brownfield sites should be developed before this site.

Councillor Kay informed the Committee that he was aware of levels of traffic in the area. The junction at Cockton Hill traffic lights was already at saturation and Escomb Lane Ends was chaotic at Escomb Primary School. Councillor Kay reminded the Committee that the previous application for this site had been refused on the grounds of the impact on the highway network.

The Strategic Team Leader informed the Committee that the application site was greenfield but not green belt and that applications for development of brownfield sites were currently being assessed.

The Highway Development Manager informed the Committee that the junction at Tindale Crescent was saturated, as was Cockton Hill Road. The additional traffic generated by this development would add, at peak times, 41 additional trips to an already saturated junction which would add to significant queues and delays.

However, a deliverable mitigation scheme had been identified, and such mitigation was not being currently undertaken because of resources.

Councillor Shield informed the Committee that he had voted against approval of the previous application for this site and was not convinced that the increased highway mitigation proposed would outweigh the harm from the development. He asked what the housing land supply level would be if this application was approved and considered that developers were landbanking development sites. Councillor Shield was not prepared to support the application which was contrary to Policies GD1, ENV1, H3 and T1 of the Wear Valley District Local Plan.

Councillor Wilkes informed the Committee that officers had already stated that there were highways issues in this area. There were additional applications being considered for brownfield sites in the area, which would be more expensive to develop. If the highway mitigation works from the development of this greenfield site were not sufficient to alleviate the highway problems, then a larger levy for mitigation would need to be placed on the brownfield site applications, which may rule out their being able to be developed.

Wigdan Walls Road was narrow and winding and Councillor Wilkes informed the Committee that he could not support this application without significant highways improvements taking place.

Councillor Tinsley informed the Committee that the previous application for this site had been refused and that he had good knowledge of the area and the site. The applicant had resubmitted the application and officers now considered that the resubmitted application addressed previous refusal matters. He had previously voted against the application because the development was separated from the surrounding area, but this application now had better connectivity; the traffic impact on Cockton Hill junction for which mitigation was now proposed; Tindale Crescent junction was at saturation, but again mitigation was now proposed.

Councillor Tinsley informed the Committee that he previously had concerns about landscaping as there was a large element of the previous application where it was not identified what would be put onto areas of space. This application had significantly changed because it detailed appearance, access and location of properties.

Councillor Tinsley was more comfortable to support approval of the application because of the steps the applicant had taken to address issues identified on the previous application. He considered that on balance the application should be approved and **moved** approval.

Councillor Robinson referred to the highways mitigation works proposed and asked when the funding for these would be released if the application was approved.

The Planning and Development Solicitor replied that the Council could ask for the funding ahead of the development commencing, however, this could have an impact on the ability of the developer to pay. The Strategic Team Leader informed the Committee that the highways and school places mitigation proposed was

through a Section 106 agreement and was considered necessary to make the development acceptable. A draft Section 106 agreement had been prepared and all of the highway mitigation money would be paid when approximately half of the site was occupied, which was relatively early.

Councillor Jewell informed the Committee that the location of the brownfield sites which had been referred to was unknown, and therefore how they may impact on highways in the area was also unknown. There were currently problems at the road junctions and the applicant was proposing to mitigate the impact of the development at these junctions, however the developer could not be expected to rectify problems which already existed.

Councillor Richardson expressed concern about two protected right turn lanes on Etherley Lane. Although distance from the farm would help with odour, if the farmer was to diversify and keep pigs then the odour would be year-round and would not dissipate. The farm was in this location before the houses and the development would lead to the loss of good agricultural land. Councillor Richardson could not support approval of the application.

Councillor Clare informed the Committee that brownfield sites elsewhere were irrelevant to this application and that the application could not be refused on the grounds of future applications for other sites. It was too soon to consider cumulative impact of development because planning permission had only been approved for one site to the north of this site. The application proposed an additional £130,000 for highway mitigation works, which professional highways officers advised was sufficient.

Under NPPF 14 the effects of a development had to be demonstrably and significantly worse rather than slightly worse to warrant refusal. Councillor Clare questioned whether the reasons suggested for refusal of the application would be powerful enough to persuade an Inspector if the matter was taken to a Planning Inquiry.

While Councillor Clare had concerns regarding Wigdan Walls Farm, this carried no weight in planning terms because officers had advised that at 36 metres the issue of odour was negligible and at 150 metres there was no significant impact. Councillor Clare **seconded** approval of the application.

Councillor Nicholson informed the Committee he had heard nothing to overturn NPPF 14 and considered that the application should be approved.

Councillor Wilkes commented that the application was both for full planning permission and outline planning permission and asked whether the highway mitigation money from the Section 106 agreement could be requested when half of the 123 dwellings had been completed, on completion of the 62nd dwelling.

Councillor Clare commented that proposed Condition 4 required highway works to be fully completed prior to the occupation of the 30th dwelling. The Strategic Team Leader clarified that this was in relation to the site access junction. The contribution

to offsite highway mitigation works would be paid to the Council before half of the dwellings proposed were occupied.

Councillor A Bell left the meeting.

Councillor Shield **moved** that the application be refused on the grounds of landscape impact, highway impact and the impact on the adjacent agricultural operations. The proposed development would have a significant and demonstrable impact.

The Strategy Team Leader advised the Committee that the previous application had been refused only on the grounds of landscape impact and highways impact, not on the impact on agricultural operations. The Planning and Development Solicitor endorsed the advice given by the Strategy Team Leader. A very specific and detailed technical assessment had been produced which demonstrated there would be no adverse impact and this would be questioned if the matter was taken to a Planning Appeal.

Councillor Shield informed the Committee that he did not believe the balance had been outweighed and that the development would have a significant and demonstrable impact.

The Planning and Development Solicitor advised that the Council would risk having costs awarded against it if the application was refused on the impact of noise and odour.

Councillor Tinsley informed the Committee that when the previous application was considered the impact on the farm did not arise, this was a new issue which had now been raised. There was a significant landscape buffer to the south of the development site and a significant distance from the farm to the nearest dwelling. The layout of the site showed that the nearest house would be some 100 – 150 metres from the farm.

Moved by Councillor Tinsley, **seconded** by Councillor Clare.

Resolved:

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

- 11 Affordable Housing units in Phase 1;
- 13 Affordable Housing units in Phase 2;
- £496,012 for offsite highway mitigation works;
- £695,389 education contribution;
- £43,168 for offsite habitat creation;
- Securing pedestrian links over Coal Burn; and,
- Provision of a voluntary targeted recruitment and training/local labour scheme.

and the completion of a Unilateral Undertaking given on a voluntary basis to secure a community contribution of £300,000; and the Conditions contained on the report.

Councillor A Bell rejoined the meeting

b DM/16/02426/OUT - Land To The South Of 100 To 106 Dean Road, Ferryhill, DL17 8ES

The Committee considered a report of the Senior Planning Officer regarding an outline application including means of access (all other matters reserved) for up to 161 dwellings (amended description) on land to the south of 100 to 106 Dean Road, Ferryhill (for copy see file of Minutes).

A Inch, Team Leader, Strategic Team gave a detailed presentation on the application which included a site location plan, aerial photographs, site photographs, an indicative layout and detail of the site access. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

Mr J Wyatt of WYG, representing the applicant, addressed the Committee. The officer report presented a balanced and considered view of the application and he supported the recommendation that the application be approved. The site was a sustainable location and was well related to the town of Ferryhill. The site was allocated for 200 dwellings in the County Durham Plan and there were no adverse significant and demonstrable impacts from the development. There were no objections from statutory consultees and the proposed access junction was considered by highways officers to be acceptable. The development would bring significant economic and other benefits and would include 10% affordable housing.

Councillor Shield sought clarification on the proposed access onto the A167. The Strategic Team Leader replied that access from the site would be from a T junction, and there would be a protected right turn to gain access to the site from the A167. The 40 m.p.h. speed limit would be relocated to the south in advance of the development.

Councillor Shield expressed concern about vehicles from the development turning right onto the A167.

Councillor Clare informed the Committee that the Ferryhill Town Council had objected to the proposal on the grounds that the site access proposals were not in accordance with acceptable standards. However, the highways authority raised no objection subject to appropriate mitigation. There were no grounds to refuse the application on the grounds of site access. The proposed junction would be at least as safe as the next junction to the north where there was also a petrol filling station and the next junction up to that where there was no protected right turn. Councillor Clare **moved** approval of the application.

Councillor Tinsley informed the Committee that the policies in the saved Sedgefield Borough Local Plan were out of date and the application fell to be considered under NPPF 14. He had visited the site the previous day and considered that it fitted in well with the existing structure of Ferryhill and would be an extension to the built up area. When approached from the south the development had the potential to

improve the visual entrance to Ferryhill. The development was low density and would fit in with the topography. Councillor Tinsley **seconded** approval of the application.

Councillor A Bell informed the Committee that he considered the proposed development would be a natural extension to Ferryhill. He referred to the s106 payment towards open space and sporting provision and asked whether an on-site play area was being proposed.

The Highway Development Manager replied to the highways concerns which had been raised. The A167 was a busy road which operated at 1500 vehicles both ways during peak hours. A computer design programme showed that traffic would have the opportunity to egress from the development and that the junction would work quite well in terms of capacity. The junction had been designed to high standards.

The Strategic Team Leader informed the Committee that the s106 contribution of £213,000 was towards open space and sporting provision within the electoral division. On site there would be informal play areas and there were more formal play areas within proximity of the site.

Councillor Wilkes referred to paragraph 136 and expressed concern that there had been no response from the NHS in relation to GP capacity within existing facilities in the area and therefore this was unknown. The Strategic Team Leader replied that the application was submitted a number of months ago and NHS consulted at that time. If the NHS had concerns about GP capacity they had been afforded sufficient time to respond.

Upon a vote being taken it was

Resolved:

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

- 10% Affordable housing
- £213,480 towards open space and sporting provision within the Electoral Division
- £45,143 towards highway infrastructure capacity improvements at Rushford roundabout.
- £36,200 towards cycle network infrastructure in the area.
- £32,968 to deliver targeted biodiversity enhancements in the area.

and subject to the conditions contained in the report.

Councillor Robinson vacated the Chair and left the meeting.

Councillor F Tinsley in the Chair

c DM/17/01322/RM - Land to the South of Eden Drive, Sedgefield

The Committee considered a report of the Senior Planning Officer regarding an application for reserved matters (appearance, landscaping, layout and scale) for the erection of 197 dwellings and associated works pursuant to planning permission DM/15/03808/OUT (for copy see file of Minutes).

A Inch, Team Leader, Strategic Team informed the Committee that the reserved matters application related to an outline planning application which gained permission at appeal in October 2016. The outline application was for the erection of up to 220 dwellings, the reserved matters application was for the erection of 197 dwellings.

The Strategic Team Leader gave a detailed presentation on the application which included a site location plan, aerial photographs, site photographs, design code illustration, layout and streetscene images.

Councillor Tinsley informed the Committee that neither the Sedgefield Town Council nor the local Members had requested to speak on the application.

Ms J Bowles of the Sedgefield Village Action Group addressed the Committee. Ms Bowles informed the Committee that she was a resident of Sedgefield and that the Action Group represented the views of the majority of the community.

Ms Bowles informed the Committee that the Action Group had concerns about the proposed road which would pass through the development which was too narrow for heavy traffic. There were concerns regarding potential flooding and also about sewerage capacity in the area.

There were also concerns regarding the new spur from the roundabout on the A689/A177. The new road through the development would become an access road into Sedgefield centre and the number of drives which would face onto this road would create a hazard.

The loss of open countryside was causing distress to many residents in Sedgefield and Ms Bowles reported that works on site had already commenced, something she hoped the County Council would look at.

Mr J Foster, representative of Taylor Wimpey, addressed the Committee. He informed the Committee that the site had outline planning approval for the erection of dwellings and that he supported the officer recommendations in the report. Mr Foster informed the Committee that the 10% affordable housing, which equated to 20 dwellings, had been moved following concerns which had been expressed, and these were now in the north-west and south west corners of the site.

Mr Foster informed the Committee that he had met with the Sedgefield Village Action Group and they had his contact details if needed. Mr Foster added that he would also give the Action Group the contact details for the site manager. Works were programmed to start on site in September, the works which had been taking place on site were architectural investigations.

Councillor Tinsley reminded the Committee that access had been approved at the outline application. The reserved matters application was to consider appearance, layout, landscape and scale.

Councillor Clare informed the Committee that he had voted against approval of the outline application. He had listened to the issues raised at the meeting but most of these had already been decided when outline approval was granted.

The Strategic Team Leader indicated the position of bus stops on the site and informed the Committee that Condition 16 of the outline planning permission gave details of the water attenuation scheme. The Council's drainage officers were satisfied that the development would not lead to an increased risk to off-site flooding. Northumbrian Water had confirmed there was adequate foul sewerage capacity in the area.

Councillor Clare informed the Committee he considered the appearance, layout, landscape and scale of the development to be appropriate and **moved** approval of the application.

Councillor Wilkes referred to the number of bungalows proposed for the site, which at 7 properties only represented 3% of the dwellings proposed and did not seem to be many. The Strategic Team Leader replied that there was no policy basis for requiring bungalows and it was fortunate that the developer had offered to provide them.

Councillor Shield expressed concern about the road through the development and asked whether this was an estate road or a normal sized road. He considered that there was a danger of it becoming a rat-run and suggested that the Council should have a policy of 20 m.p.h. speed limits on such roads.

The Highway Development Manager replied that the road had been designed to accommodate public transport and that the Council had a policy for 20 m.p.h. zones on all new developments.

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

Resolved:

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

Councillor Robinson rejoined the meeting and resumed the Chair.

Councillor J Robinson in the Chair

d DM/17/00599/WAS - Hulam Farm, Hutton Henry, Hartlepool, TS27 4SA

The Committee considered a report of the Senior Planning Officer regarding an application for a proposed anaerobic digestion plant at Hulam Farm, Hutton Henry, Hartlepool (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photographs, site photographs, proposed layout and proposed elevations. The Senior Planning Officer indicated the location of the four nearest properties to the proposed development, two of which were owned by Hulam Farm and two of which were privately owned by individuals.

Since the production of the report a letter of objection had been received from one of the residents of the privately owned properties.

Mr R Hepplewhite, agent for the applicant, addressed the Committee. Mr Hepplewhite informed the Committee that the applicant welcomed the officer recommendation in the report and was content with the proposed conditions, adding that conditions 10 to 13 had been volunteered by the applicant. There had been positive work with the planning case officer and all material planning considerations had been satisfied. There were no noise or odour issues and no highways issues. The concerns raised by Castle Eden Parish Council and by residents were not of such significance to refuse planning permission.

Councillor Wilkes referred to a previous application for a waste transfer station which had been refused because the Council had a policy of not bringing waste into the County and asked whether the policy would be relevant to this application.

The Senior Planning Officer replied that Policy W2 of the Waste Local Plan was the Policy being referred to. Policy W2 related to the unnecessary transport of waste into County Durham, and the application referred to involved waste being processed and then brought back into the County again.

Councillor Wilkes **moved** approval of the application.

Councillor Kay informed the Committee that he was supportive of anaerobic digesters which reduced waste going into landfill sites and lowered the carbon footprint. Councillor Kay **seconded** approval of the application.

Councillor Clare considered that concerns about anaerobic digesters arose from potential odour issues, which came from the bays where the digester material was held and asked whether such bays at this development would be indoors or outdoors. Councillor Clare also asked whether the proposed condition 7 in the planning permission would apply to storage arrangements.

Councillor Tinsley expressed concern that four residential receptors were close to the scheme, one of which had lodged an objection. Councillor Tinsley was less concerned about odour nuisance than about noise nuisance from the digester.

The Senior Planning Officer replied that the gas equipment which would generate the most noise had been located as far away from the properties as possible. The shed which would accept the waste would operate under negative pressure to ensure there was no leakage of odours. The process would be a completely sealed system.

Resolved:

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

5 Neighbourhood Plans

The Chairman informed the Committee that this presentation would be given at a future meeting.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/00127/MIN
FULL APPLICATION DESCRIPTION:	Extraction of remaining limestone reserves and revised working area for extraction of Basal Permian sand for 15 years until 2030, relocation of internal haul road and a scheme for the progressive and final restoration of the site
NAME OF APPLICANT:	Lafarge Tarmac Ltd
ADDRESS:	Thrislington Quarry West, Ferryhill, DL17 9EY
ELECTORAL DIVISION:	Bishop Middleham & Cornforth
CASE OFFICER:	Claire Teasdale, Principal Planning Officer, 03000 261390, claire.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

- 1 Thrislington Quarry West is a large magnesian limestone and Basal Permian sand quarry (covering some 153 hectares (ha)) located on the Magnesian Limestone Escarpment to the south of West Cornforth, east of Ferryhill, north east of Ferryhill Station and north of Mainsforth. It is an established minerals site with a planning history dating from 1954.
- 2 The quarry currently plays an important role in mineral supply in the County. It extracts magnesian limestone and underlying Basal Permian sand marketed as aggregates with some limestone being used as building stone. Products produced being building or soft sand suitable for coating with asphalt and concreting or sharp sand (which includes limestone which is blended). Residues from the quarrying activities are also blended with fines to form agricultural lime and a product known as midas sand. In addition the quarry has also produced quantities of agricultural lime which has been used to correct soil acidity. In the past about a third of the magnesian limestone extracted was high grade limestone (known as industrial dolomite). This was processed in the kilns at the adjoining Thrislington Works to produce burnt dolomite for use in the steel industry. Their current operator L'Hoist formally mothballed the kilns in January 2016.
- 3 Garmondsway Road and Stobbs Cross Road in West Cornforth border the quarry itself to the north. To the east lies the A1(M) and the C69 to the west. To the southern boundary lies the Thrislington Plantation Special Area of Conservation (SAC) and Thrislington National Nature Reserve, the former Rough Furze Quarry and agricultural land. Two public rights of the way on the eastern side of the quarry run alongside the A1M: Footpath No. 25 (Cornforth) and Footpath No. 21 (Bishop Middleham). Footpath No. 22 (Cornforth) and Footpath No. 20 (Bishop Middleham)

are located along the southern boundary. Footpath No 20 (Cornforth) lies within the site to the north west.

- 4 To the east of the C69 are the site offices and car parking, wheel wash and weighbridge. The Thrislington works and associated kilns are also located in this area along with associated stockpiling areas. An aggregate packing plant operated by Thomas Armstrong (Aggregates) Ltd. is also located to the west of the C69, to the north of the stockpiling areas associated with the Thrislington Works. On the land to the west of the C69 Footpath No. 21 Cornforth and Footpath No. 38 (Ferryhill) run along the southern boundary outside of the site between the A1(M) and the East Coast Main Railway Line. To the north is Footpath No. 18 (Cornforth).
- 5 The quarry boundary abuts the southern boundary of West Cornforth with properties along Garmondsway Road, Garmondsway Court, Stobb Cross Farm and Stobb Cross Road are the closest at between 20m and 45m from the site boundary. Hope House lies approximately 500m to the south of the quarry. Within Ferryhill Station to the south west of the site the closest properties are at Lough House Bank and Mainsforth Road some 750m from the site boundary.
- 6 There are a number of designated nature conservation sites in close proximity to Thrislington Quarry West. Immediately to the south of the quarry are Thrislington Plantation Special Area of Conservation (SAC) and Thrislington National Nature Reserve. Within 1km from the quarry are The Carrs Site of Special Scientific Interest (SSSI) and Bishop Middleham Quarry SSSI with Raisby Hill Grassland SSSI within 2km. In addition there are a number of Local Wildlife Sites (LWS) within approximately 400m from the quarry.
- 7 There are no landscape designations or designated heritage assets within or in the immediate vicinity of the quarry. Within 1.2km, at their closest points, are three Conservation Areas, Cornforth some 560m to the north, Mainsforth approximately 1km to the south and Bishop Middleham approximately 1.2km to the south west. The closest listed buildings (all Grade II) are the War Memorial at Cornforth (some 530m to the north), The Church of the Holy Trinity and associated walls, piers, gates and railings (680m to the north). 1km to the west of the quarry in Ferryhill is the Cleeves Cross, 860m to the south west is the War Memorial at Ferryhill Station, entrances, piers and gates associated with Mansforth Hall lie approximately 1.08km to the south. The closest listed building in Bishop Middleham is the Manor House some 1.2km to the south west of the quarry.
- 8 In the vicinity of the site there are a number of active quarries. These being Thrislington East Quarry to the east, Bishop Middleham Quarry to the south west, Coxhoe (Raisby) Quarry to the north east and Old Quarrington/Cold Knuckles Quarry east of Bowburn to the north. Cornforth East and West Quarries (currently inactive) lie to the north.

PROPOSAL:

- 9 As a result of a slower rate of extraction than expected reserves of limestone and Basal Permian sand remain within Thrislington Quarry West. Planning permission is therefore sought for an extension of time to enable the full recovery of the remaining consented reserves at Thrislington Quarry west of the A1(M) by a further 15 years to 2030. The proposal also involves a revised working area for the Permian sand within the base of the quarry as well as a progressive and final restoration scheme for the site. Permian sand extraction is currently taking place within the area identified in the planning application and outside of the approved area. When the planning application was submitted in 2015 it was considered that the proposal would allow

the extraction of 2.4 million tonnes of Basal Permian sand and 5.4 million tonnes of limestone. Currently it is estimated that it would allow the extraction of 1.9 million tonnes of Basal Permian sand and 3.5 million tonnes of limestone.

Proposed scheme of working

- 10 It is proposed to work the site in three phases until 2030 with restoration works taking place in parallel with final restoration being completed following the cessation of working in Thrislington East Quarry. The remaining limestone is and would continue to be worked through drilling and blasting. The blasted rock is then processed on site using mobile crushing and screening plant. The sand is extracted using excavators and processed at the on-site wash plant.
- 11 The current planning permission for the site required the submission of a restoration strategy for the site and land to the west of the C69 to be submitted and agreed. A restoration strategy has been submitted however consideration is in abeyance. However, should planning permission be granted for this application then restoration details for the quarry and the land to the west of the C69 would be required through condition. Restoration is proposed in five phases.
- 12 During phase 1 (up to 2020) the continued extraction of limestone would take place in a southerly direction in the south eastern corner of the quarry void. In parallel sand and some overlying limestone would progress in a north easterly direction in the central part of the void. To the south of the extraction works a new silt lagoon would be completed with approximately 15 years capacity to accommodate silt from the wash plant for restoration and stabilisation of the quarry. Two silt lagoons in the northern part of the quarry would be closed and capped. Restoration works to the southern face and north western corner of the quarry void would be completed in this phase.
- 13 During Phase 1 progressive restoration would be concentrated around the north western corner of the site and along the western boundary with approximately 42 ha of land subject to progressive restoration. In the north western corner of the site some restoration has already taken place with the land having been raised to approximately 140m AOD with the purpose of creating a naturalistic landform while at the same time providing screening for properties on Stobb Cross Road when existing perimeter bunds are removed. The land is currently under cereal crop production. Perimeter bunds and associated tree belts in the vicinity of the roundabout from the C69 roundabout north to West Cornforth would be removed and the material used elsewhere within the site as part of the landform proposals with stockpiled topsoils being used to cover the footprint of the mounds. Existing hedgerows would be thickened and enhanced along with the regrading of existing mounds. Along the western boundary the central and southern parts of the existing overburden mounds would be largely removed and or regraded and the associated tree belt removed and again materials used elsewhere in the quarry. 11 ha of restoration would take place across the quarry floor south of the haul road (magnesian grassland) and along the southern boundary of the site adjacent to Thrislington NNR. This would involve battered quarry faces seed to magnesian limestone grassland with pockets of scrub habitat and lengths of exposed quarry wall.
- 14 Phase 2 (up to 2025) would involve the continued extraction of limestone in a southerly direction in the south eastern corner of the quarry void with the working area progressing northwards. Sand and overlying limestone extraction would progress north eastwards in the central part of the void. During this phase, it is proposed to remove the fresh water lagoon from adjacent to the concrete batching

plant. The southern silt lagoon would increase in volume to accommodate for the loss of the northern lagoons in Phase 1. The area vacated by the fresh water lagoon would be utilised by relocating the wash plant from its current location and would then be used for stockpiling. Restoration works during this phase are proposed to the area formerly occupied by the northern silt lagoons and an area regraded to accommodate the relocated haul road.

- 15 Restoration in Phase 2 would be concentrated across three areas. The silt lagoons north of the haul road would be capped using material from the mounds along the C69 with the land then being capped and seeded to magnesian limestone grassland. An area of land to the south of the haul road would also be seeded to magnesian limestone grassland. Restoration blasting would take place across part of the southern quarry face to create a continuous scree slope.
- 16 Phase 3 would take place until the end of 2030. Limestone extraction in the south eastern corner of the quarry void would be completed in this phase with the mineral worked in a westerly direction. Sand and overlying limestone extraction would continue to progress north eastwards in the central part of the void. During this phase the silt lagoon would increase in volume to its maximum capacity and would be capped for restoration once all extraction works are complete. Restoration works during this phase would continue across the southern quarry faces to create a continuous scree slope for restoration.
- 17 Post 2030, the remaining areas would be restored with the exception of the haul route which would continue to run through the site connecting Thrislington East Quarry with the Thrislington Works. Pumping would continue to maintain water levels to ensure that the haul route and tunnel portal under the A1(M) remain above water and therefore operational. The northern quarry face would be partially and irregularly battered/butressed to at least half its existing height with rock traps sited at the base of the final face. Clumps of scrub would be introduced along the batter to break up any regularity. The remaining battered slope would be magnesian limestone grassland. The quarry floor, wash plant area and adjacent capped silt lagoon would be restored to magnesian limestone grassland. A water body is proposed in the area where sand extraction would take place with water levels below 88m AOD. The eastern quarry would be irregularly battered/butressed with clumps of scrub along the batter with remaining sections of slope seed to be magnesian limestone grassland. A public viewpoint would be created with access from Footpath No. 21.
- 18 Thrislington East Quarry is required to cease extraction by 1 July 2045 and the site be restored within 2 years of the cessation of mineral extraction. It is proposed that at this time the land to the west of the C69 and the haul route through the Thrislington Quarry West would be restored. Restoration of land to the west of the C69 would include the creation a shallow valley aligned north to south and a focus on magnesian limestone grassland creation within the valley with the woodland on the western part of the site extended to create a continuous swath of woodland across the magnesian limestone escarpment. The gradient of the eastern face of the screening bund in the north west corner of the site would be reduced through grading and placement of material and further woodland planting. Along the eastern boundary the existing shelterbelt of trees along the C69 would be removed and replaced with a roadside hedgerow. A series of hedgerows would also cross this area reflecting the historic field pattern. There are also opportunities as part of the restoration to create a new footpath north to south linking Footpath No.s 20 and 22. Within the quarry, it is intended that the haul road would be restored to waterbody or magnesian limestone grassland in line with the wider restoration within the quarry.

Once pumping ceases across the site post 2045 water levels would rise with the consequence that the landscape within the eastern part of the area would change.

Working hours

- 19 The proposed operations and working hours are as follows. Blasting would continue to place between 08:00 – 16:30 Monday to Friday, 08:00 – 12:00 Saturday (at 20 minutes either side of the half hour on each day), drilling between 06:30 – 17:30 Monday to Friday, 06:30 – 12:00 Saturday, inpit processing between 06:00 – 22:00 Monday to Friday, 06:00 – 16:00 Saturday (the current planning permissions permit this activity on Sundays), haulage of aggregate from site between 06:00 – 21:00 Monday to Friday, 06:00 – 16:00 Saturday (entrance 1 only) (the current planning permissions permit this activity on Sundays), servicing, maintenance and testing of plant 06:00 – 22:00 Monday to Friday, 06:00 – 16:00 Saturday (the current planning permissions allow this activity on Sundays). No working on Public/Bank Holidays save in the case of emergencies is permitted. Temporary operations including the removal of bunds giving rise to elevated noise levels, would not take place before 8am and none of these activities would be carried out at weekends.

Traffic and access

- 20 Thrislington West Quarry is currently served by two vehicular accesses and a rail head. Associated weight restrictions, traffic calming measures, and quarry traffic routeing arrangements seek to keep extraneous lorry traffic out of the communities of Cornforth, Bishop Middleham, and Ferryhill. Entrance 1 is located to the west of the A1(M) on the road C69. Entrance 2 lies immediately to the east of the A1(M) on Stobb Cross Lane and features a circular access road. Vehicle movements are unrestricted at entrance 1. No vehicles associated with extraction operations at Thrislington West Quarry enter or leave the site via Entrance 2 onto Stobb Cross Lane. All of the excavated material from Thrislington West uses the tunnel under the C69 to access the weighbridge and wheel washes adjacent to the northern access point where they join the highway.
- 21 For local deliveries, and where economical to do so, some deliveries take place via rail (over the last two years these have been three per year) however the submitted application and accompanying Environmental Statement have considered the use of road as a worst case scenario.

Employment

- 22 When originally submitted the application predicted that the proposed time extension would result in the maintenance of up to a minimum of 289 jobs through a combination of direct and indirect employment together with induced employment from sustaining local economic activity. However, since submission of the application the kilns at Thrislington Works have been mothballed due to the collapse of the steel industry in the region. It is now considered that the current application would continue to maintain 35 jobs, 32 indirect jobs and a further 14 induced jobs.

Restoration

- 23 Ultimately the site would be restored to a mixture of agricultural land, magnesian limestone grassland, wetlands and smaller waterbodies. For both the quarry and land west of the C69 it is proposed that there would be 78.6 ha of Magnesian limestone grassland, 15.2 ha of agricultural land, 40.8 ha of open water with 3.9ha subject to periodic inundation, 11.3 ha of woodland, 2 ha of scrub, 2.4 ha of scree slopes and 4km of hedgerow. For the quarry alone this would be 59.6 ha of

Magnesian limestone grassland, 15.2 ha of agricultural land, 40.8 ha of open water with 3.9ha subject to periodic inundation, 1.6 ha of woodland, 2 ha of scrub, 2.4 ha of scree slopes and 4km of hedgerow. The site would be subject to the statutory 5 year aftercare requirement. The aftercare period would commence following the final replacement of topsoil. An additional 20 years of aftercare is proposed above the statutory 5 year requirement providing 25 years management in total. In addition provision for the long term management of the site in perpetuity under Section 39 of the Wildlife and Countryside Act 1981 (as amended) is proposed through a planning obligation under the provisions of S106 of The Town and Country Planning Act 1990 (as amended).

- 24 The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES, additional environmental information and that arising from statutory consultations and other responses. Significantly, additional groundwater monitoring has been undertaken during consideration of the application which has delayed determination of the application
- 25 This planning application is being reported to the County Planning Committee because it involves major minerals development.

PLANNING HISTORY

- 26 Old planning permissions were reviewed under the requirements of The Environment Act 1995 and a new schedule of working and restoration conditions issued in January 2002 (DCC ref: MRA/7/1). At this time permission was also granted for an extension to the permitted extraction area adjacent to the A1(M) (application No. 7/00/573CM issued in January 2002 an identical schedule of conditions as MRA/7/1), the erection of a concrete batching plant, office premise and wheel wash (application No. 7/00/574CM issued on 18 January 2002), use of part of existing quarry void for recycling of construction/demolition wastes at Thrislington Quarry (application No. 7/00/505CM issued on 3 December 2001).
- 27 Planning Permission No 7/2006/0179CM (DCC Ref: CMA/7/55) for an eastern extension for the extraction of magnesian limestone and restoration to nature conservation uses at Thrislington Quarry, West Cornforth was issued on 25 July 2011. Two non-material amendments to Conditions 3n and 10f of that planning permission so as to permit new or upgraded wheel washes as opposed to new at Entrances 1 and 2 were approved in April and May 2013 respectively.
- 28 Two identical planning applications were approved in December 2013 (CMA/7/100 and CMA/7/101) for a variation of planning conditions. These were a variation of Conditions 1 and 4 of Planning Permission No. MRA/7/1 and of Conditions 1 and 4 of Planning Permission No. 7/00/573CM. The applications confirmed the extent of extraction on the northern boundary by amending the approved plan showing the quarry development and amended the timeframe for submission of schemes required by Condition 3.
- 29 An application for the variation of Condition 13 pursuant to application CMA/7/19 and 7/2002/668CM to permit the use of the aggregate packing plant to continue until January 2020 was approved in December 2014 (Planning Permission No. DM/14/03145/VOC).
- 30 A variation of condition application to extend the time period for the use of the aggregate packing plant (first granted in 2003) on land adjacent to the Thrislington

Works until 18 January 2020 was approved in December 2014 (Planning Permission No. DM/14/03145/VOC).

- 31 A variation of Condition 4 pursuant to Planning Permission 07/00/574CM which relates to extending the time period for the operation of the concrete batching plant until January 2020 (Planning Permission No. DM/14/02872/VOCMW) was approved in January 2015.
- 32 An application for the variation to Condition 5 of Planning Permission 07/00/505CM to extend the time limit for the use of part of the existing quarry void for recycling of construction/demolition wastes (Planning Permission No. DM/14/02765/VOCMW) was approved in 2016. This allows the recycling plant to operate until December 2019.
- 33 An application for the creation of two newt migration/receptor ponds on land west of the C69 to the south of the site carpark was approved in July 2017 (DM/17/01314/FPA).
- 34 Recently an application for a variation of Condition 2 (Retention of the concrete batching plant until 2030) & 3 (Importation of aggregates for use in the concrete batching of Planning Permission No. DM/14/02872/VOCMW (DM/17/01612/VOCMW) was submitted. This application will be determined following determination of the application subject of this report.

PLANNING POLICY

NATIONAL POLICY

- 35 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 dependant. 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’.
- 36 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 this report. The following elements of the NPPF are considered relevant to this proposal.
- 37 *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.

- 38 *NPPF Part 4 – Promoting Sustainable Transport.* States that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It also advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 39 *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.
- 40 *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.
- 41 *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
- 42 *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.
- 43 *NPPF Part 13 – Facilitating the sustainable use of minerals –* paragraph 144 sets out the considerations in determining planning applications for minerals development. These include giving great weight to the benefits of mineral extraction including to the economy; ensuring that there are no unacceptable adverse impacts on the natural environment and human health, taking into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality, and providing through condition for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

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

21. 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.

LOCAL PLAN POLICY:

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

- 44 *Policy M1 – Maintenance of landbanks* – sets landbanks of permitted reserves to be maintained during the Plan period including those for sand and gravel (at least 7 years) and crushed rock (at least 10 years).
- 45 *Policy 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. Extensions to existing workings will be permitted provided that they meet a number of criteria, one of which being they do not involve any further mineral extraction on the Magnesian Limestone Escarpment.
- 46 *Policy M6 – Areas of search for sand and gravel* – permits sand and gravel extraction in areas of search identified on the proposals map subject to certain criteria.
- 47 *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.
- 48 *Policy M19 – Concurrent working of minerals* – encourages the concurrent working of two or more minerals from the same site where mineral extraction is acceptable in principle with certain provisions.
- 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 M32 – Archaeological remains* – states that where nationally important archaeological remains, whether scheduled or not, and their settings are affected by a proposed mineral development there will be a presumption in favour of their preservation in situ. Proposals for mineral development that would have a significant adverse effect on regionally important remains will only be permitted where no other suitable locations are available; or where there is an overriding need for mineral which outweighs the requirement for physical preservation.
- 55 *Policy M33 – Recording of archaeological remains* – states that where the preservation of archaeological remains in situ is not appropriate planning permission will not be granted unless satisfactory provision has been made for the excavation and recording of the remains.
- 56 *Policy M34 – Agricultural land* – states that mineral development which affects or is likely to lead to the loss of 20 or more hectares of the best and most versatile land (Agricultural Land Classification Grades 2 and 3a) will not be permitted unless there is no overall loss of agricultural land quality following restoration; or there is a need for the mineral which cannot be met from suitable alternative sources on lower quality agricultural land.
- 57 *Policy M35 – Recreational areas and public rights of way* – 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.
- 58 *Policy M36 – Protecting local amenity* – requires the incorporation of suitable mitigation measures to ensure potentially harmful impacts from pollution by noise, vibration, dust and mud, visual intrusion, traffic and transport, subsidence, landslip and gaseous emissions are reduced to an acceptable level.
- 59 *Policy M37 – Stand off distances* – 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.
- 60 *Policy M38 – Water resources* – states that if a proposal for mineral development would affect the supply of, or cause contamination to, underground, or surface waters, it should not be permitted unless measures are carried out as part of the development to mitigate those impacts throughout the working life of the site and following final restoration.
- 61 *Policy M40 – Scope for rail use in planning applications* – states that in determining a planning application for mineral development conditions may be imposed or planning obligations or legal agreements sought with the developer and rail operator, to ensure that, where rail use is feasible, the movement by rail of mineral, or mineral products, is maximised.
- 62 *Policy M42 – Road traffic* – states that mineral development will only be permitted where the traffic generated can be accommodated safely and conveniently on the highway network and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
- 63 *Policy M43 – Minimising traffic impacts* – requires that planning conditions should be imposed, and planning obligations or other legal agreements sought, to cover a

range of matters such as routing of traffic to and from the site, highway improvements or maintenance, prevention of the transfer of mud and dirt onto the public highway and operating hours of lorry traffic to and from the site.

- 64 *Policy M45 – Cumulative impact* – requires that when considering proposals for mineral development the cumulative impact of past, present and future workings must be considered and states that planning permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of the Plan.
- 65 *Policy M46 – Restoration conditions* – indicates that conditions will be imposed, planning obligations or other legal agreements sought as necessary to cover a range of issues relating to the satisfactory restoration of minerals sites.
- 66 *Policy M47 – After uses* – provides advice in relation to proposals for the after use of mineral sites.
- 67 *Policy M50 – On site processing* – where planning permission is required, minerals processing and manufacturing plant, and other developments ancillary to mineral extraction, will be permitted within the boundaries of mineral extraction sites subject to certain criteria. 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.
- 68 *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.
- 69 *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.
- 70 *Policy M54 – Magnesian limestone Escarpment* – states that no new or extended magnesian limestone workings other than those allocated in the Plan will be permitted within the Magnesian limestone Escarpment Area and the progressive restoration of existing workings will be sought.

RELEVANT EMERGING POLICY:

The County Durham Plan

- 71 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.

- 72 Thrislington Quarry does not lie within a designated Neighbourhood Area. The nearest designated Neighbourhood Plan Area lies just to the west of the quarry and was proposed by Ferryhill Town Council and this was agreed by the County Council on the 26th September 2014. To date no Neighbourhood Plan document has yet been prepared or consulted upon and as such no weight can be afforded to this emerging Neighbourhood Plan.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

- 73 *Cornforth Parish Council* – has no objection to the proposal to extend the life of the quarry provided certain conditions are met, included in any grant and rigorously enforced by the County Council. The Parish Council states that it, like many residents who attended the exhibition held by the applicant, has major concerns about the way the applicant is dealing with its current extraction. The principle problem is considered to be the lack of action to address the appalling state of Garmondsway Road. It is stated that the road is covered in mud and the verges are similarly mud strewn making this popular walking area impassable in places. The Parish Council would want to see a major upgrading of wheel washing and road cleaning, including new equipment and better management/enforcement if the life of the quarry is to be extended. The Parish Council has no objection to the construction of the new haul road, but would insist that planning conditions be attached closing the access to Garmondsway Road and the A177 to the east to heavy traffic as soon as it was open. The Parish Council wishes to see physical constraints constructed on the access to Garmondsway Road to prevent the passage of vehicles above the size of a van. Whilst the Parish Council welcomes the proposals to restore the quarry, the plans are but two snap shots. Given the proximity to housing and the time scale, any planning permission needs to include a plan setting out the schedule of works, hours/days of operation and equipment to be used.
- 74 *Highways Authority* – raises no objections. It is noted that the application offers a thorough overview of the impact of the proposals on the highway network up to where it meets the A1M, the latter coming under the jurisdiction of the Highways Agency (Highways England). It is noted that currently some material leaves the site by rail but for the purpose of the traffic assessment a worst case scenario of all material leaving the site by road has been adopted. The AM peak hour would be deemed to be the most sensitive time for additional HGVs to access the local public highway network. The submission indicates there would be 21 HGVs leaving the site during the AM peak hour and heading north towards the A177/A688, which equates to an additional 8 no. HGVs or an average additional HGV every 7 minutes, which is not deemed to be significant. The option for the quarry to export material by rail is a clear benefit in regards to the daily operation of this site; however, the implications of all material leaving the site by road would appear to be low level. Mitigation measures secured by planning, including wheel washing and the sheeting of exported materials, along with specifying the off-site haul routes for the HGVs to and from the site, would be welcomed.

- 75 *Highways England* – offers no objection. Initial concerns were raised regarding the restoration proposals for an extensive water body in the quarry base, the eastern extent of which is defined by the toe of the slope supporting the A1(M). The potential for this water body to cause instability and/or erosion of the toe of this supporting slope was required to be determined and mitigation included to ensure the long term stability of the A1(M). This was done to the satisfaction of Highways England.
- 76 *Natural England* – raises no objections. It is highlighted that the application site is in close proximity to the Thrislington Special Area of Conservation (SAC) which is a European site and therefore has the potential to affect its interest features. The site is also notified at a national level as Thrislington Plantation Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England advises that the Council as a competent authority under the provisions of the Habitats Regulations should have regard for any potential impacts that a plan or project may have. Based on the information provided, Natural England is of the view that the proposal is not necessary for the management of the European site but that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. In terms of the likelihood of significant effects, it advises that due to the nature of the works and the existing measures in place covering both current use and aftercare it is unlikely that there will be a significant effect on a European site. Furthermore Natural England is satisfied that the proposed development would not damage or destroy the interest features for which the site has been notified and advises that this SSSI does not represent a constraint in determining this application and raises no objection in this regard.
- 77 Natural England advises that it would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on local sites, local landscape character and local or national biodiversity priority habitats and species when determining the application. It is stated that the application has not been assessed for impacts on protected species. Advice is also provided in terms of biodiversity enhancements, noting that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife and consider securing measures to enhance the biodiversity of the site in accordance with Paragraph 118 of the NPPF.
- 78 With regard to soils and agriculture, Natural England agrees with the applicant that this element of the development would raise no new considerations relating to soil stripping and storage. However, it is assumed that that any changes to the existing scheme would remain subject to all relevant soils handling and reclamation conditions as previously discussed with Natural England; albeit revised to reflect the revised proposals and timescales. In due course, Natural England would also welcome the opportunity to comment on a more detailed soil replacement strategy submitted by the applicant linked to the concept Restoration Masterplans included within the Environmental Statement.
- 79 *Environment Agency* – originally recommended that the application be refused in accordance with the precautionary principle because the risks to groundwater were considered unacceptable and the applicant had not supplied adequate information to demonstrate that the risks can be satisfactorily managed.
- 80 Further information was submitted which was sufficient for the objection to be withdrawn, subject conditions being imposed. These relate to the submission of a Site Water Monitoring and Management Plan, details of mitigation measures should groundwater gradients between the Coal Measures and magnesian limestone be reversed, and a requirement for the cessation of dewatering if mitigation measures

are unable to successfully mitigate unacceptable risks, to the magnesian limestone and Permian sands.

- 81 *Northumbrian Water* –no comments to make.
- 82 *Drainage and Coastal Protection* – raise no objections confirming that there does not appear to be any risk of unacceptable flooding.
- 83 *The Coal Authority* – does not object to the proposal. It is noted that a very small part of the application site falls within the defined High Risk Area. However, when considering the nature of the proposal that coal associated with an outcrop in the corner of the site is already likely to have been removed as a result of past operations, requiring a Coal Mining Risk Assessment would not be proportionate to the scale and nature of the proposal. In the interests of public safety, however, The Coal Authority recommends an informative is included with the decision notice.

INTERNAL CONSULTEE RESPONSES:

- 84 *Spatial Policy* – raise no objections to the proposals. It is noted that for many years Thrislington West has been of strategic importance to the supply of aggregates within both County Durham and the North East Region as a whole. The quarry has supplied significant quantities of magnesian limestone aggregate and sand into the North East market and the quarry contains a significant proportion of the County's permitted reserves of sand as well as a sizeable quantity of magnesian limestone. It is noted that locally the quarry is an important employer.
- 85 Subject to detailed assessment relating to the acceptability of adverse impacts extending the time period for working at Thrislington West to allow the full recovery of previously permitted reserves of magnesian limestone and the full recovery of a quantity of sand (equivalent to the previously reported quantity of permitted reserves). This would help maintain County Durham's ability to maintain a 7 year sand and gravel landbank and a 10 year crushed rock aggregate landbank in the period to 2030 and would avoid the sterilisation of a significant quantity of economically important permitted reserves of magnesian limestone and Basal Permian sand. This planning application would appear not to conflict with saved County Durham Minerals Local Plan Policies M1, M3, M12 and M54. Whether the planning application is in accordance or contrary to other saved Minerals Local Plan policies are matters to determine following consideration of the detailed environmental and amenity impacts taking into account advice from consultees.
- 86 *Landscape* – Raise no objections considering that the proposals would not give rise to significant additional landscape or visual effects. The restoration proposals are considered to be appropriate subject to final details being secured through condition.
- 87 *Design & Conservation* – Advise there would not be any negative impact in respect of designated Heritage assets.
- 88 *Ecology* – Raise no objections. Officers have undertaken a Habitat Regulations Assessment and consider there would be no likely significant effect on the international nature conservation interests of the Thrislington SAC.
- 89 *Environment, Health & Consumer Protection (Air Quality)* – Raise no objection following the submission of additional information relating to dust monitoring and a screening assessment of air quality pollutants on the nearest sensitive properties. The impacts on air quality from the extension of the duration of mineral processing at the above site have been considered in relation to the Institute of Air Quality

- 90 Predicted levels of PM10 are in accordance with the IAQM guidance and it is very unlikely the process contribution would lead to the annual mean national air quality objective being exceeded. The levels of PM2.5 are also well below the national limit value that has been incorporated within the Air Quality Standard Regulations 2010 although it is noted that there is potential for intermittent incidents of dust blowing from the site to occur. It is recommended that measures to control dust within the site dust action plan are implemented. It is also recommended that meteorological data is used to define 'critical' conditions where it is highly likely that there would be an impact of dust on one of the surrounding receptors which would then prompt further dust suppression measures on site or the temporary suspension of processing on site until the conditions have abated. It is recommended that this approach should be incorporated into the dust action plan and a review of the dust action plan is recommended. The principle receptor (residential property) where the risk of emissions of dust is likely to have an impact is in the case of properties on the edge of Cornforth. No concerns are raised in terms of impact on the Thrislington SAC or from the increase vehicle movements.
- 91 *Environment, Health & Consumer Protection (Noise)* – raise no objections. Officers are in agreement with the methodology used for the submitted noise assessment and if approval is granted, provided the conditions of Planning Permissions CMA/7/100 and CMA/7/101 are applied to this application then no objections are raised. It is also recommend that noise monitoring is undertaken by the applicant when temporary operations are taking place within 60 metres of the monitoring position MP2 as the predicted noise level within this area during temporary works is over 70dB(A) 1 hour. This would ensure that a log is being kept of the noise levels within this area during these works so that if complaints are received noise levels can be verified. In addition, it is recommended that the works in this area are only undertaken during weekday daytime period, with no weekend working.
- 92 *Environment, Health & Consumer Protection (Vibration)* – Officers are in agreement with the methodology used for the assessment and if approval is granted, provided the conditions of Planning Permission No.s CMA/7/100 and CMA/7/101 are applied to this application, then no objections are raised.
- 93 *Access and Rights of Way* – do not object to the proposal. It is noted that the relocation of 2 public rights of way (Footpath No. 20 (Cornforth) & Footpath No. 22 (Cornforth)/ Footpath No.20 (Bishop Middleham) would require a statutory legal public path order which is subject to statutory consultation. If successful (an order can be objected to) this would allow these two footpaths to be diverted from their existing lines.

PUBLIC RESPONSES:

- 94 The proposals were displayed at a public exhibition held by the applicant prior to formal submission. The application itself was advertised within the press, on site and notification letters were sent to neighbouring properties.
- 95 1 representation has been received. The representation states there is no reason the application should be turned down provided certain conditions are met. These being that: adequate wheel washing facilities are in place given past problems; that all machinery dump truck loading shovels etc, are fitted with broadband reversing horns to avoid causing a nuisance to residents; that the haul road is constructed with a more permanent material to avoid problems of airborne dust associated with its

use, and that bunds identified for removal as part of the restoration works are removed and a diverted footpath relocated as residents are concerned about the lack of restoration on the south side of Stobb Cross Villas.

APPLICANTS STATEMENT:

96 The Thrislington Quarry West planning application seeks to extend the time to 2030 for extraction of already permitted quantities of limestone and underlying Basal Permian sand from this established and economically important quarry. The proposals are consistent with key aspects of national and local planning policy and the environmental information that accompanies the application has shown that not only are the proposals environmentally acceptable, but that benefits would accrue from the continued long-term operation of Thrislington Quarry West. Most notably:

- The proposed development seeks to extend the time that Tarmac has to extract already permitted reserves of limestone for aggregate use; and to extract already permitted reserves of Basal Permian sand – albeit from a different area within the existing quarry than presently has permission (but still from an area well within the footprint of the existing operational quarry).
- Thrislington Quarry is an important supplier of aggregate products both locally, regionally and wider. The aggregate limestone is presently used to supply a wide range of construction industry clients in the North-East. The Basal Permian sand, as well as supplying local customers, also goes to markets in the Yorkshire and Humber, the Midlands regions and further afield. This is because it is a unique material, having a uniform shape and particle size, which makes it suitable for going into specialist products such as self-levelling concrete and asphalt. Additionally, it can be dug straight from the ground and in many cases requires little or no washing and processing - cutting down on production costs and carbon emissions.
- Allowing extraction to continue at Thrislington West would secure the maintenance of 81 jobs in the locality of the quarry through supporting existing levels of direct and indirect local employment and economic activity.
- By granting approval for more time to extract these already permitted reserves, steps would be taken to ensure that important aggregate minerals from Thrislington Quarry West are extracted in an efficient manner, consistent with the aims of national planning policy. Without planning approval the presently permitted reserves would effectively become sterilised. This scenario which would clearly be contrary to the policy principle of making best use of important mineral resources to secure their long term conservation.
- In landbank terms, the continuation of extraction at Thrislington West fully complies with national planning policy. Whilst it is recognised that landbank policy is not a ceiling / target for aggregates permissions, an important point to note is that the proposed development would not result in any net increase in the permitted tonnage used to calculate Durham's aggregates landbank. Permission is simply being sought for the extraction over a longer period of time of already permitted quantities of civils grade limestone and Basal Permian sand.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

97 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: principal of the development and need for the mineral, the effects of the development on residential amenity (including noise, dust and blasting), landscape and visual impact, biodiversity interests, hydrology, traffic, access and public rights of way, cumulative impact, cultural heritage, agricultural land, alternatives and legal agreements.

Principle of the development and need for the mineral

98 The MLP sets out a strategy for working the Magnesian Limestone Escarpment. This is based both upon the quality and extent of magnesian limestone found at Thrislington Quarry West and the area to the south of the quarry and to the east of the A1(M) (considered 'high grade' and suitable for use in the steel and chemical industries) and the extent of aggregate grade mineral within a number of mineral permission across the Escarpment in County Durham). High grade material is recognised as being a nationally important limestone resource. The MLP established a comprehensive approach to future magnesian limestone working on the Escarpment, aimed at providing for recognised needs whilst minimising the impact of present and future working.

99 Until 2016 Thrislington Quarry West produced high grade material and supplied the adjacent Thrislington Works as well as being a regionally important source of aggregates. Thrislington Quarry West currently produces approximately 1 million tonnes of saleable mineral every year, although this can fluctuate depending on customer requirements. It is considered that remaining reserves in Thrislington Quarry West are not of high grade quality. The principle of mineral extraction at Thrislington Quarry has been established by previous planning permissions subject to conditions controlling the working and restoration of the site and the environmental impacts.

100 The proposed development can be summarised as an extension of time at Thrislington Quarry West to enable the full recovery of the previously permitted reserves of magnesian limestone, together with a revised area of sand working, which would allow the recovery of a quantity of sand which would be consistent with the previously permitted sand reserves in the quarry. The current application proposes the extension of the working period by 15 years from 2015 to 2030 to allow the extraction of 2.4 million tonnes of Basal Permian sand and 5.4 million tonnes of magnesian limestone. Given the passage of time since the application was submitted the current figures are 1.9 million tonnes of Basal Permian sand and 3.5million tonnes of magnesian limestone.

101 The current planning permission identifies an area for the extraction of the Permian sand. However, there are constraints to the extraction of the reserves in this consented area. In the southern part of the permitted extraction area there have been difficulties in recovering reserves due to depth of mineral beneath the water table and the resultant pumping requirements and possible impact upon the ground water quality. Moreover, the sand at depth also hardens and therefore difficult to

recover and process. In the northern part of the consented area the sand thickness thins out. In addition both these areas occupy areas that are required for the processing and stocking of mineral during the lifetime of the quarry. As a result of these factors the applicant has sought to alter the extraction area so that sand which is more practicable and economic to work can be recovered. 0.5 million tonnes of sand would be lost as a result of the change in working area.

- 102 At the end of 2030 it is expected that permitted reserves of both limestone and sand would be exhausted, and possibly earlier based on current production rates. Post 2030 the applicant estimates that approximately 6 million tonnes of sand would remain. A separate planning permission would be required to extract this if practical Planning permission would be required to extract this.
- 109 MLP Policy M1 sets landbanks of permitted reserves to be maintained during the Plan period including those for sand and gravel (at least 7 years) and crushed rock (at least 10 years). MLP Policy M1 is not time limited and has been classified as only partially consistent with the NPPF due to differing landbank periods. Although the landbank periods for crushed rock and sand and gravel within the Policy are fully consistent with Paragraph 145 of the NPPF. This Policy can therefore carry only some weight in the decision making process. The extraction of 1.9 million tonnes of Basal Permian sand and 3.5million tonnes of magnesian limestone would assist in the maintenance of the 7 year landbank for sand and gravel and 10 years for crushed rock.
- 110 The North East Aggregate Working Party Annual Monitoring Report for 2015 reported that on 31 December 2015 (the most recent figures) the crushed rock landbank was 45 years and the sand and gravel landbank was 30 years. The grant of planning permission for the proposed development would help maintain both the crushed rock and sand and gravel landbanks. Should planning permission not be granted this would result in a significant (29%) fall in available permitted reserves of sand and a slight (3.9%) fall in available permitted reserves of magnesian limestone.
- 111 MLP Policies M3 and M54 are relevant to the revised working area for sand. While a number of the policy criteria within Policy M3 are dated by virtue of the reference to 'plan period', the principles of these criteria are still relevant in terms of aspiration i.e. an extension should not provide for a significant level of reserves beyond the end of the new County Durham Plan period. When viewed against projected needs over the likely Plan period, and an extension should not add significantly to the total landbank of approved reserves within the County. MLP Policy M3 is considered to be consistent with the NPPF. The current application states that reserves would be worked by 2030 and the quantity of mineral that would be worked is consistent with the quantity of mineral which already forms part of the sand and gravel and crushed rock landbanks. MLP Policy M3 refers to no further mineral extraction on the Magnesian Limestone Escarpment, but given that Thrislington Quarry West is already an established quarry and the quantity of mineral to be worked would be consistent with that which is already permitted and declared by Tarmac as permitted reserves, the proposals would not materially conflict with this element of Policy M3. In accordance with the Policy an assessment of the environmental impacts of the proposal are required and these are assessed below.
- 112 MLP Policy M6 explains that other than allowed for under MLP Policies M12, M22 and M23 sand and gravel extraction will only be permitted within areas of search identified on the Proposals Map and where one or more of a number of criteria are met. Policy M6 is consistent with the NPPF and is not time limited and can carry full weight. On the basis that the proposal is not within an area of search, sand extraction is not in accordance with MLP Policy M6.

- 113 MLP Policy M12 states that, outside of areas of search, preferred areas and designated landscape areas identified under specific MLP policies, proposals for mineral working will only be permitted where one or more of a number of criteria apply. One criteria is where working is required to meet an established need which cannot be met from existing permissions or from within an area of search or preferred area or by the use of suitable secondary or recycled material. The sand at Thrislington Quarry West is required to meet an established and ongoing need which is unlikely to be easily met from other existing permissions or from within an MLP area of search (none of which have planning permission) or preferred or area by the use of suitable secondary or recycled materials. Policy M12 permits proposals for mineral extraction if it is an extension to an existing mineral working in accordance with Policy M3. MLP Policy M12 is consistent with the NPPF and can carry full weight in the decision making process.
- 114 MLP Policy M19 encourages the concurrent working of two or more minerals from the same site where mineral extraction is acceptable in principle with certain provisions. Policy M19 is consistent with the NPPF and can carry full weight in the decision making process. Subject to an acceptable assessment of adverse impacts on the environment, local community and consideration of the duration of working there is support for the concurrent working of minerals.
- 115 MLP Policy M54 states that no new or extended magnesian limestone workings other than those allocated in the MLP will be permitted within the Magnesian Limestone Escarpment Area and the progressive restoration of existing workings will be sought. Policy M54 is consistent with the NPPF and can carry full weight in the decision making process. On the basis that Thrislington Quarry West is an established quarry on the Magnesian Limestone Escarpment and the proposal seeks to work previously permitted reserves of magnesian limestone and a quantity of sand from a revised working area which is consistent with previous permitted reserves it can be argued that the proposal does not constitute new working. Furthermore, the proposed scheme does not involve a physical lateral extension to the quarry void over and above which is already permitted through existing permissions. It is also noted that the proposed development sets out a scheme of works which would provide for the comprehensive restoration of Thrislington Quarry West in accordance with MLP Policy M54.
- 116 Planning permission is now being sought to extract mineral in a site which was previously permitted through previous grants of planning permission and whose future contribution to meeting society's needs for a steady and adequate supply of aggregates was accepted and taken into account when the Minerals Local Plan was adopted in December 2000.
- 117 The site operator advises that recent borehole analysis of the remaining reserves of limestone indicate that they do not meet the specification for high grade dolomite as specified in the planning obligation which is currently in place. As such, it cannot be considered to be high grade dolomite. Limestone extracted from the site is therefore used for aggregate purposes.
- 118 In accordance with the requirements of the NPPF the Council has prepared a Local Aggregate Assessment. The Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (Joint LAA) provides a sound basis for decision making based upon: up to date information on sales, permitted reserves and landbanks; together with forecasts of need and the balance between supply and demand in the period up to 2033. The Joint LAA shares consistent information with the North East Aggregate Working Party Annual Monitoring Report for 2015. The

Joint LAA indicates that on the 31st December 2015 County Durham's crushed rock quarries contained 138,326,200 tonnes (equivalent to a landbank of 45 years) and the Council's sand and gravel quarries contained 8,353,960 tonnes (equivalent to a landbank of 30 years).

- 119 Without a new planning permission to extend the period of working at Thrislington Quarry West all permitted reserves within the quarry would no longer form part of the County's crushed rock and sand and gravel landbank. Furthermore, for many years Thrislington Quarry West has been recognised to be a key mineral producing unit within the County, in particular, in recent years it has produced the majority of sand and gravel extracted in County Durham and has made a sizeable contribution to crushed rock production. Cessation of production at Thrislington Quarry West would not be in the interests of a steady and adequate supply of aggregates and would lead to the in situ sterilisation of economically important minerals. It is considered that there is a need for this mineral from this quarry to meet future need in the period to 2030.
- 120 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 Thrislington Quarry West. This would provide for the continued availability of crushed rock and sand to the North East and wider markets, helping to retain/safeguard existing employment at the quarry and through ensuring that the site is restored to a safe and stable condition.
- 121 A planning obligation under S106 of The Town and County Planning Act 1990 (as amended) currently exists and requires (amongst other matters) the site operator to submit an annual report which includes the submission of details of sales and reserves. A new planning obligation would include the same requirement to enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral sites.
- 122 The principle of the development would accord with MLP Policies M3, M12, M19 and M54. The proposal would also accord with Part 13 of the NPPF which requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates as well as giving great weight to the benefits of mineral extraction including to the economy.
- 123 Paragraph 144 of the NPPF is clear that local planning authorities should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. LPAs should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. An assessment of the relevant environmental impacts of the proposal is set out below.

Residential Amenity

- 124 The quarry lies immediately south of Cornforth and West Cornforth. The closest properties' are along Garmondsway Road, Garmondsway Court, Stobb Cross Farm and Stobb Cross Road are the closest being between 20m and 45m of the site

boundary. Hope House lies approximately 500m to the south of the quarry. Within Ferryhill Station to the south west of the site the closest properties are at Lough House Bank and Mainsforth Road some 750m from the site boundary.

- 125 MLP Policy M37 seeks to prevent mineral development within 250m (500m where operations involve blasting) of a group of 10 or more dwellings unless it is demonstrated that residential amenity can be protected from the adverse impacts of mineral working. The closest dwellings and their proximity to the site and proposed operations are listed below (distances in metres). The properties named are either specific or representative of groups of dwellings.

Approximate distance in metres from identified sensitive properties to various site operations

Property	Site Boundary	Operational Site Boundary	Excavation area/void*	Overburden Mound/Soil Storage*	Processing	Blasting
Garmondsway Road, West Cornforth (no. 68)	45m	260m	260m	45 m (existing restored land and proposed area of restoration)	1,010m	300m
Stobb Cross Farm, West Cornforth	20m	210m	300m	20 m (existing restored land and proposed area of restoration)	1,000m	250m
Lough House, Ferryhill Station	750m	80m	1,350m	750 m	950m	1,200m
Hope House	500m	540m	540m	500 m (existing restored land)	850m	540m

* Distance calculated at its closest point to the receptor.

- 126 Although the quarry boundary abuts the village, the ground between the quarry void and houses is occupied by large landscaped screening mounds. The application site boundary is within 250m of a group of 10 or more dwellings. However, at its closest, the permitted extraction area, which has already been worked, is further than 250m away.
- 127 The application site boundary is within 250m of a group of 10 or more dwellings but they are greater than 500m from areas where blasting would occur. These being properties along Garmondsway Road, Stobb Cross Farm, The Leas and Stobb Cross Road. However, they are at a greater distance from the operational site boundary, excavation area and processing areas. As can be seen from the Table above the distance from the operational site boundary and extraction and processing activities are further distant. However, overburden and soil storage areas are closer. The removal of the screening mounds, currently acting as mitigation to existing quarrying activities, as progressive restoration works take place would bring earth moving works closer to residential properties in Cornforth and West Cornforth and potentially increase the impact of normal quarrying activities.
- 128 Existing working hours for site operations vary for the different operations that take place and also provide for certain operations to take place on Sundays as well as for haulage to the Thrislington Works. The current proposals replicate the existing hours of working but no operations are now proposed to take place on Sundays. The proposed working hours for blasting between 08:00 – 16:30 Monday to Friday, 08:00

– 12:00 Saturday Blasting would continue to place between 08:00 – 16:30 Monday to Friday, 08:00 – 12:00 Saturday (at 20 minutes either side of the half hour on each day), drilling between 06:30 – 17:30 Monday to Friday, 06:30 – 12:00 Saturday, input processing between 06:00 – 22:00 Monday to Friday, 06:00 – 16:00 Saturday, haulage of aggregate from site between 06:00 – 21:00 Monday to Friday, 06:00 – 16:00 Saturday (entrance 1 only), servicing, maintenance and testing of plant 06:00 – 22:00 Monday to Friday, 06:00 – 16:00 Saturday. No working on Public/Bank Holidays save in the case of emergencies would be permitted.

Noise

- 129 Noise levels for temporary and normal operations at the site (within permitted levels set out in Government Guidance) are controlled through existing conditions and noise levels are currently monitored by the site operator.
- 130 National Planning Practice Guidance(NPPG) advises that during normal working hours (0700 – 1900) and subject to a maximum of 55dB(A) $L_{Aeq}1h$ (free field), mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that where this 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.
- 131 NPPG also recognises that mineral operations will have some particularly noisy short term activities that cannot meet the limits set for normal operations. These include soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. NPPG advice is that increased temporary daytime noise limits of up to 70dB(A) $L_{Aeq}1h$ (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered in order to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this would 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.
- 132 A noise assessment has been carried out and the results are contained in the ES. The assessment has identified the types of plant to be used on site, the operations that would be carried out and the predicted associated noise levels. Monitoring was undertaken at four properties around the site that are considered representative of sensitive receptors for the noise assessment. These being 68 Garmondsway Road and Stobb Cross Farm both at West Cornforth, Lough House Bank at Ferryhill Station and Hope House. These readings have been used to predict noise effects on other potential receptors.
- 133 Noise generated from the development would vary as operations progress. Predictions have therefore been made for the three identified working phases. Predicted noise levels (based on a 'worst case scenario') indicate that normal site operations would not exceed the nominal limits of 55dB(A) $L_{Aeq}1h$ and would not be 10dB(A) above measured background levels.

- 134 During the period 07:00 – 19:00 the recorded background noise level for 68 Garmondsway Road was 53.3dB(A) $L_{Aeq}1h$ and the predicted level for normal operations ranges between 46.8dB(A) $L_{Aeq}1h$ in Phase 1, 41.5dB(A) $L_{Aeq}1h$ in Phase 2 and 39.6dB(A) $L_{Aeq}1h$ in Phase 3. For Stobb Cross Farm the recorded background noise level 50.6dB(A) and the predicted level for normal operations ranges between 44.0dB(A) $L_{Aeq}1h$ in Phase 1, 44dB(A) $L_{Aeq}1h$ in Phase 2 and 39.8dB(A) $L_{Aeq}1h$ in Phase 3. For Lough House Bank the recorded background noise level 46.8dB(A) and the predicted level for normal operations ranges between 43.6dB(A) $L_{Aeq}1h$ in Phase 1, 34.8dB(A) $L_{Aeq}1h$ in Phase 2 and 25.3dB(A) $L_{Aeq}1h$ in Phase 3. For Hope House the recorded background noise level 52.1dB(A) and the predicted level for normal operations ranges between 35.7dB(A) $L_{Aeq}1h$ in Phase 1, 36.9dB(A) $L_{Aeq}1h$ in Phase 2 and 27.4dB(A) $L_{Aeq}1h$ in Phase 3. The assessment concludes that the site would meet levels set out in NPPG at all noise sensitive properties at all times for normal operations.
- 135 Currently conditions seek to safeguard residential amenity at the site and similar conditions would be imposed should planning permission be granted. The existing and proposed working hours for certain operations taking place between 06.00 to 07.00 hours and 19.00 to 22.00 hours require that noise levels do not exceed 50dB(A) $L_{Aeq}1h$. Although this is higher than the 42dB(A) $L_{Aeq}1h$ Environment, Health & Consumer Protection officers raise no concerns. With the exception of haulage of aggregate, the other operations that could take place at this time would be drilling, input processing and servicing, maintenance and testing of plant. Such operations that would take place within the quarry void. The assessment concludes that the site would not exceed 50dB(A) $L_{Aeq}1h$ at the noise sensitive properties between 06.00 to 07.00 hours and 19.00 to 22.00 hours.
- 136 The assessment concludes that temporary operations would be carried out within the nominal limit of 70dB(A) in any one hour $L_{Aeq}1h$ over an 8 week period as specified in NPPG at all of the receptors with the exception of Stobb Cross Farm during operations in Phase 1. Predicted levels for temporary operations are 79.5dB(A) $L_{Aeq}1h$ at Stobb Cross Farm during Phase 1. The temporary works would involve the removal of the perimeter bunds with machinery operating some 20m from the residential properties. Removal is likely to take place in increments over a period not exceeding 8 weeks. Once temporary operations move approximately 55 – 60m along the site boundary noise levels would fall below 70dB. The assessment concludes that the effects would be medium and of moderate significance and therefore not significant. An increase of just over 1dB(A) is predicted in the morning peak period along the C69 as a result of a possible increase in vehicle movements based on a worst case scenario and the assessment concludes that the effects would be minor and of medium significance and therefore not significant.
- 137 Proposed noise mitigation measures as existing would continue. These include steps to minimise the noise from vehicles and machinery, including the fitting of efficient silencers and noise insulation, use of SMART reversing alarms were practicable, regular monitoring of all site plant, shutting down of plant and equipment when not in use. Through condition, an updated Noise Action Plan would be submitted and agreed with requirements for noise monitoring at the identified noise sensitive properties on a specified frequency.
- 138 The Council's Environment, Health & Consumer Protection Officer raises no objections. Officers are in agreement with the methodology used for the submitted noise assessment, and provided the conditions of Planning Permissions CMA/7/100 and CMA/7/101 are imposed, then no objections are raised. It is also recommend that noise monitoring is undertaken by the applicant when temporary operations are

taking place within 60 metres of the monitoring position at Stobb Cross Farm as the predicted noise level within this area during temporary works is over 70dB(A) 1 hour. This would ensure that a log is being kept of the noise levels within this area during these works so that if complaints are received noise levels can be verified. In addition, it is recommended that the works in this area are only undertaken during weekday daytime period, with no weekend or night-time working. The applicant has confirmed that temporary operations including the removal of bunds giving rise to elevated noise levels, would not take place before 8am and none of these activities would be carried out at weekends. Monitoring of these temporary works would be undertaken and this could be secured through condition.

- 139 Having regard to the nature and location of operations it is accepted that there would continue to be notable changes in some local noise levels during the life of the site. The temporary operations which are part of the progressive restoration of the site have the potential to cause temporary adverse amenity impacts to local residents, especially for properties along Stobbs Cross Lane. However, the predictions are based on worst case scenarios and the higher levels from temporary works would be limited to 8 weeks in any one year and generally within acceptable levels as specified in Planning Practice Guidance, on occasions where the 70dB would be exceeded additional mitigation measures would be implemented. Environment, Health & Consumer Protection officers have no objections 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 proposal would accord with MLP Policies M36 and M37 and with Paragraph 123 of the NPPF. MLP Policy M36 is consistent with the NPPF and can carry full weight in the decision making process. MLP Policy M37 is partially consistent with the NPPF and can be given limited weight. Policy M37 only partially complies with guidance in the PPG as it does not identify thresholds for stand-off distances and advises that any proposed separation distance should be established on a site-specific basis.
- 140 NPPG 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 consider impacts upon rights of way around the site. Given there is no limit specified in NPPG and measures would be put in place to mitigate noise levels from the site, it has not therefore been considered necessary for such an assessment to be undertaken. Nevertheless, given the proposals would be a continuation of current operations, although with the addition of restoration works, and conditions would be imposed seeking to control noise and dust emissions and measures are in place regarding notice of blasting, it is considered that there would not be an adverse impact upon users of the public right of way network and no conflict with MLP Policy M35 in this regard or Parts 8, 11 and 13 of the NPPF. MLP Policy M35 is considered to be consistent with the NPPF and can carry full weight in the decision making process.
- 141 Cornforth Parish Council considers that working hours should be controlled through condition and details of equipment used on site would be typical of those used in quarrying operations, the control being the noise levels which require compliance with and are set out in the proposed conditions.

Air Quality

- 142 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. NPPG sets out five stages for carrying out a dust assessment that would provide useful ways of mitigating dust from mineral development. These are to establish baseline conditions, identify activities that could lead to dust emissions, and identify site parameters that may increase potential impacts.

- 143 Receptors can potentially be affected by dust up to 1km from the source, although any dust emissions are more likely to be deposited much closer to the dust sources, generally within 100m, depending on the size characteristics of the dust particles and in the absence of appropriate mitigation??. The impact would depend on nature of activity taking place, wind direction and speed, particle size distribution, the degree of rainfall and surface topography. The method of working at Thrislington Quarry West involves a number of dust-generating activities which have the potential to cause adverse impacts at receptors in the vicinity of the site. Dust generating activities including mineral excavation and handling of limestone and sand, processing of aggregates, soil stripping, handling and replacement, overburden handling and replacement and transportation.
- 144 The submitted dust assessment has considered meteorological conditions, distance between the site and each receptor and the frequency and duration of the dust generating activities. A number of locations have been identified as being potentially sensitive to dust. These being: Garmondsway Road, Hope House, Lough House Bank, Highland House, Westfield Terrace, Cleves Cross Primary School and Thislington SAC. The ES has assessed the potential impact of dust from the proposed site at sensitive receptors and concludes that with the mitigation measures in place the significance of dust effects would not be significant. It is also considered that emissions would be suitably controlled by a dust management plan, as at present, including mitigation measures. Mitigation measures include covering or dampening down stockpiles, locating stockpiles away from residential properties, minimising drop heights, soil handling during dry and friable conditions, as well as the use of wheel washing facilities so that vehicles leaving the site do not spread dust onto public roads.
- 145 Properties along Garmondsway Road are located behind screening bunds that are higher than quarry activities and are planted to provide further protection. With mitigation measures in place, effects at this location are not expected to be significant. For Hope House Farm, Highland House, West Field Terrace and Cleves Cross Primary School, they are all located more than 500m from the site boundary and even further from quarrying activities. Having assessed wind speed and direction there is potential, in certain conditions, for material to be transported from the site to the receptor between 1% and 4% of the time in any one year. The receptors are greater than 500m from the site boundary and even further from quarrying activities. Dust is unlikely to be transported that distance and as a result the effects at those locations are considered to not be significant. Extraction and processing operations would take place within the quarry void and the topography of the area would also assist in controlling dust.
- 146 Thislington SAC has been identified as being possibly sensitive to dust being immediately adjacent to the quarry. The assessment identifies that dominant winds would transport sand from the extraction area to the receptor between 1% and 3% of any year. The ES concludes that as excavations would continue to be carried out within 500m of the SAC, but that these would be carried out well below the level of the SAC due to the topography of the quarry and the time that wind could transport dust to the SAC would be minimal. Dust effects on the SAC are therefore considered to not be significant.

- 147 A Department of Health and Department of the Environment, Transport and the Regions research study: *The Impact of Particulate Matter from Opencast Coal Sites on Public Health*, was published in December 1999. NPPG reflects the good practice recommendations made in the report. The key assessment criteria are the proximity of residential communities to a site and background levels of small particles (PM₁₀) in relation to the National Air Quality Standard. The proximity to settlements for assessment purposes is 1km. The ES advises that an assessment of the effects of particulate matter (PM₁₀) from the operation of the quarry on local air quality has not been undertaken due to the fact that the existing background concentrations of PM₁₀ are well below the annual Air Quality Objective. Effects of emissions from non-road mobile machinery and from operational road traffic on local air quality have not been undertaken as the number of on-site plant would be relatively small and emission are not expected to be significant, particularly in view of the low background pollutant concentrations. On emissions from operational local traffic, given a minimal change in traffic movements, the number of vehicle movements per day are below the threshold requiring assessment.
- 148 Environment, Health & Consumer Protection officers requested that submission of additional information relating to dust monitoring and a screening assessment of air quality pollutants on the nearest sensitive properties. The carrying out of mineral processing is identified as a potential source of 'fugitive' or uncontrolled emissions of particulate matter that may comprise of 'nuisance' dust and particles of below 10 and 2.5 microns in diameter (PM₁₀ and PM_{2.5}). Both PM₁₀ and PM_{2.5} are air quality pollutants of public health significance. Therefore, it is necessary to ensure that the screening and, if required, a more detailed assessment of the impacts on air quality. The impacts on air quality from the extension of the duration of mineral processing at the above site have been considered in relation to the Institute of Air Quality Management (IAQM) Guidance on the Control of Dust from Mineral Sites and the Council's Technical Advice Note – Dust.
- 149 The receptors, with the exception of the site of ecological importance, are all beyond the distances set out in the IAQM guidance that would require a detailed assessment. Therefore, the qualitative air quality screening of the impact on receptors surrounding the site is considered appropriate. The predicted levels of PM₁₀ are all below 17µg/m³ (expressed as an annual mean) and therefore in accordance with the IAQM guidance it is very unlikely the process contribution would lead to the annual mean national air quality objective being exceeded (annual mean-40 µg/m³). For the purposes of the air quality screening the modelled levels for 2014 and 2020 have been used. It can be predicted that the modelled background levels of air quality pollutants will decrease further in the future. The levels of PM_{2.5} are also well below the national limit value that has been incorporated within the Air Quality Standard Regulations 2010 (25 µg/m³). It is noted that there is still potential for intermittent incidents of dust blowing from the site to occur and this highlights the requirement for the continued implementation of the measures to control dust contained within the site dust action plan.
- 150 The screening of air quality impacts on receptors considers the risk to each of the receptors by taking into consideration historical meteorological data, in particular the wind direction and speed. It is recommended that this is used to define 'critical' conditions where it is highly likely that there will be an impact of dust on one of the surrounding receptors. When weather conditions are forecast to occur that fulfil the 'critical' conditions then this should prompt further dust suppression measures on site or the temporary suspension of processing on site until the conditions have abated. The monitoring of weather conditions on site should then be used to re-evaluate the risk going forward. This approach, that should be incorporated within the Dust Action

Plan, has the objective of preventing incidents arising rather than reacting to a situation after it has occurred. Properties on the edge of Cornforth are at the highest risk of emissions of dust.

- 151 It is noted that the monitoring on site involves the use of quantitative dust gauges. In the event that incidents of dust blowing from the site occur or complaints of dust are received then a more detailed method of monitoring is likely to be required. The use, for example, of British Standard Directional Dust Gauges can assist with identifying the source on site. Alternatively, the analyses of a sample of dust would characterise the type of particulate and would therefore assist with identifying the source.
- 152 It is considered the continuation of the extraction, processing and handling of mineral is an opportune time for undertaking a review and, where necessary, a revision of the Dust Action Plan for the site. The recommendations made for the management and control of dust from the site take into consideration the outcome of the screening assessment. Therefore this may be used to identify conditions, taking into consideration wind speed and direction, when there is a risk of dust impacting on existing receptors surrounding the site.
- 153 It was therefore suggested that the information on historical meteorological data be used to define critical conditions that would give rise to a risk to surrounding receptors. The ongoing weather conditions measured on site in conjunction with forecast information may then be used to prompt appropriate and proportionate actions on-site to minimise the risk. The arrangements for monitoring following incidents or on the receipt of complaints would be incorporated within the Dust Action Plan.
- 154 In terms of the Thrislington SAC it is understood that both Natural England and the Council's ecologist have not raised any objection to the conclusion reached by the assessment that the Thrislington SAC would not be significantly adversely affected by the continuation of the mineral activities on the site.
- 155 It is further noted from the outcome of the assessment that the number of Heavy Duty Vehicle (HDV) movements would not fulfil IAQM/EP (UK) Guidance criterion (a change of more than 100 HDV movements on the existing Annual Average Daily Traffic volume flow). No further assessment of the impact on air quality is therefore required from this source.
- 156 Although operations have the potential to generate dust there are unlikely to be significant adverse effects on the surrounding area and appropriate mitigation measures would be put in place to minimise the impact of dust as is the case currently. Existing conditions seek to ensure the suppression and monitoring of dust generated by quarrying operations and a dust management plan is in place. No change is proposed to the existing conditions and it is considered that the current proposal would not result in any additional effects over and above those predicted originally. A dust action plan and requirement for dust monitoring are currently covered by planning conditions together with a package of other measures. These include use of wheel cleaning equipment, sheeting of vehicles, a speed limit within the quarry to reduce the potential of raising dust, reduction in drop heights, the provision and use of dust suppression equipment and the seeding of soil storage areas. These measures would continue to be secured by condition should planning permission be granted. In addition, a Pollution Prevention and Control permit issued by the Environment Agency is in place. Environment, Health & Consumer Protection officers have no objections to the proposed development in terms of dust but recommend an update to the dust action plan, secured by condition. Given the

mitigation measures proposed it is considered that the proposal would accord with MLP Policies M36 and M37 and Parts 11 and 13 of the NPPF.

Blasting

- 157 Blasting is currently carried out at Thrislington Quarry West to fracture the limestone and pile it up on the quarry floor for processing. In addition the site blasts the quarry floor limestone above the sand in order to gain access to the sand. Blasting is currently permitted at the existing quarry up to 3 times per day and the timings, number of blasts and blast levels are controlled through planning condition.
- 158 The three effects associated with blasting are ground vibration, air overpressure (or air blast wave) and projected rock particles (flyrock). The extent of disturbance is dependant on a number of factors including type and quantity of explosive, degree of confinement, distance to nearest buildings, the geology and topography of the site and atmospheric conditions.
- 159 A blasting assessment has been carried out as part of the proposals, the results of which are contained in the ES. The blasting assessment concludes that all blasts would continue to be designed to comply to a vibration criteria of 6mm/s peak particle velocity at a 99.9% confidence level as measured in any plane (longitudinal, vertical and transverse). The assessment advises that all blasts would be designed to meet the levels set out in the current planning condition and given that all residential receptors have a medium sensitivity and the effects from blasting are not considered to be significant. All vibration levels would conform with levels in Government guidance and advice.
- 160 No assessment of air overpressure has been submitted with the applicant considering it to be inappropriate given its prediction is almost impossible due to climatic variability, and that it should be adequately controlled at source with best practice techniques.
- 161 Given the location of the remaining limestone reserves and the need to blast to access the sand below the quarry floor, blasting would take place within 500m of a group of 10 or more dwellings along Garmondsway Road, Garmondsway Court, Stobb Cross Farm and Stobb Cross Road.
- 162 Over recent years residents of Garmondsway Road have raised concerns about blasting with the Council, particularly when this takes place on the north face of the site; the last complaint being in 2016. However, previous blasts that were over the limit were in the northern lower civils area of working closest to Garmondsway Road where geological and old mine workings may be the causal factors. Leeds University has previously undertaken a lengthy study of blasting in this area with extra vibrographs being put in place to correlate results and try to understand why readings can be unpredictable. The removal of water and changes to the blasting methodology have helped the situation and ground vibration perceptions at the residential properties. Blasting of the lower civils materials no longer takes place.
- 163 The design and calculation of blasts would ensure that the vibration levels at all nearby properties are controlled and kept within permitted limits. Through condition it is proposed that ground vibration as a result of blasting would not exceed a peak particle velocity greater than 6mm per second and 60% of all blasts would be less than 3mm per second over a 6 month period. Existing conditions currently regulate the timings, number and level of blasts and ensures they are appropriately monitored. The same conditions would be imposed on a new planning permission.

Provision for the review and submission of the blast monitoring scheme for the site would be secured through condition.

- 164 Environment, Health & Consumer Protection officers have no adverse comments to make regarding blasting. Residential amenity would continue to be protected through existing conditions that set limits and requirements to mitigate any adverse effects on the nearest properties in accordance with MLP Policies M36 and M37 and Part 11 of the NPPF. The blasting proposals associated with the mineral extraction would not conflict with MLP Policies M36 and M37 and Parts 11 and 13 of the NPPF.

Summary of residential amenity in relation to noise, dust and blasting

- 165 There would be the potential for some disturbance to residential properties for the duration of the proposed development. For those properties closest to the site boundary to the north at West Cornforth removal of the overburden and soil mounds have the potential for disturbance for a temporary period in order to achieve wider restoration benefits. Having considered the impact of the proposed development on residential amenity in terms of noise, it is considered that the impacts could be controlled through condition setting limits and requirements to mitigate any adverse effects on the nearest properties, thus according with MLP Policy M36 and with Parts 11 and 13 of the NPPF and advice contained within the Planning Practice Guidance. In terms of air quality and dust, given the mitigation measures proposed, it is also considered that the proposal would accord with MLP Policies M36 and M37, NPPF Parts 11 and 13 and advice contained within NPPG. Blasting would be controlled through condition and all blasts monitored. The blasting proposals associated with the mineral extraction would not conflict with MLP Policies M36 and M37 and Parts 11 and 13 of the NPPF.
- 166 Mineral processing and storage would occur as part of the proposed development within the quarry void. The environmental impacts would be controlled through condition. The proposals would not conflict with MLP Policies M50 and M51, Policies which are considered to be consistent with the NPPF.

Landscape and visual impact

- 167 The County Durham Landscape Character Assessment (2008) shows the site as lying within the East Durham Limestone Plateau County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area. It lies in an area belonging to the Limestone Escarpment broad landscape type in the Limestone Escarpment Ridge broad character area. The site also lies in an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area where the strategy is to enhance landscape character.
- 168 The application site is an active quarry and its entirety has been disturbed by current or past extraction. Soil and overburden mounds define the perimeter of the site which have either been grass seeded or planted with trees forming a screening function.
- 169 The baseline characteristic of the site and its surroundings and potential landscape and visual effects are detailed in the submitted landscape and visual impact assessment (LVIA) accompanying the application. Having had regard to the working and restoration proposals the assessment concludes that the landscape effects would not be significant and overall there would be no significant visual effects.

- 170 There are no views of the quarry from residential properties. The existing quarry workings are, for their size, unobtrusive, being scarcely visible from public viewpoints. Substantial screening mounds are in place around the western, northern and eastern sides of the quarry. The northern western corner of the site has been improved through regrading but some works remain to be completed. The screening mounds can be seen from properties in the vicinity of the site and from public rights of way. As such, there is existing screening in place around the site.
- 171 The current extraction proposals would involve working within the existing quarry and out of public view. It is considered that in landscape and visual terms there would not be an unacceptable impact as a result of the proposal to extract minerals from the site. The restoration proposals for the site which would take place alongside extraction would remove well established trees and vegetation originally planted to serve a screening purpose. The proposed restoration scheme would open up the area and during working provide some glimpses into the working quarry over period that it is proposed restoration would take place. The proposed restoration landform would be low level given the size of the void and the lack of onsite material to restore to existing levels. Given that the Thrislington East Quarry permission provides for a haul route through Thrislington Quarry West though a proposed tunnel under the A1(M) final restoration would not be achieved until post 2042.
- 172 The proposed extraction or remaining limestone reserves would take place within the area permitted by the existing permission. Extraction of sand would take place within the quarry floor. Landscape officers consider that both of these activities would be visually contained by the topography of the void and existing screening measures and would not result in significant additional landscape or visual effects in themselves.
- 173 The proposed extension of time to 2030 would extend the timescale over which the working took place which would potentially increase the duration of the quarry's existing adverse effects through delays to its restoration. It is proposed to commence progressive restoration during Phase 1 which would bring it about within a broadly similar time frame to that which has been approved. Delayed restoration of the eastern and northern faces would be discernible in longer distance views from high ground to the east and west but only as a small element in wider views.
- 174 The restoration works proposed would give rise in themselves to some locally significant landscape effects, particularly in relation to the removal of young mature woodland on landscape screening bunds. This was proposed under the permitted scheme and would occur within a broadly similar time frame. The proposals would not therefore give rise to significant additional landscape or visual effects.
- 175 The relocation of the internal haul road would not result in any significant additional landscape or visual effects or provide obstacles to a satisfactory restoration.
- 176 The restoration masterplan provides for a low level restoration with retained battered limestone faces and scree slopes, extensive areas of magnesian limestone grassland and a large waterbody. Landscape officers consider this to be appropriate.
- 177 In line with original restoration concepts for the site, the proposals provide for the removal of mature tree belts along the western and northern boundaries and restoration to a more open condition in keeping with the character of the limestone ridge. These belts have an intrinsic value but do to some extent have the character of structure planting around an industrial estate or highway infrastructure rather than that of the rural countryside. Their removal would bring abrupt and noticeable

changes to the local landscape. Landscape officers recommend that the site operator engage with the local community over the extent and timing of removals in advance of the works which are intended to be in Phase 1.

- 178 The design of the landform of the margins of the waterbody would need some detailed consideration in future to ensure that it is safe and offers opportunities for colonisation by marginal vegetation. This could be required by condition or covered by a wider condition dealing with detailed landscaping proposals.
- 179 The Council's Landscape officer has no objections to the working and restoration proposals. The restoration proposals would also accord with MLP Policy M24 in that these have regard to the quality of the local landscape and seek to provide improvements to it where appropriate, being consistent with the Landscape Strategy for the area, which is to enhance its character.
- 180 The submission of a reclamation strategy for the site, scheme for nature conservation and for the regrading and/or removal of two of the existing bunds are overdue. The submission of the schemes within three months of the date of issue if planning permission is granted, would be appropriate and would accord with the aims of MLP Policies M46 and M47 and the NPPF requiring mineral sites to be restored at the earliest opportunity.
- 181 The proposals, including restoration, would accord with MLP Policies M24, M36, M46, M47 and M52 and Parts 11 and 13 of the NPPF. MLP Policies M24, M36, M46 and M47 being consistent with the NPPF and can carry full weight in the decision making process. MLP Policy M52 is partially consistent with the NPPF because it states that restoration and aftercare should be secured through the application of appropriate conditions and where necessary that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
- 182 Cornforth Parish Council welcomes proposals to restore the site but given the proximity and timescale considers that a schedule of the works, hours and days of operation and equipment are provided. Through condition details of subsequent working phases would be required to be submitted to and approved by the Council. Details of the restoration proposals including the removal of mounds and timings would also be required through condition. Conditions would also be in place to control noise and dust.

Biodiversity interests

- 183 Thrislington Quarry lies immediately to the north of the Thrislington Plantation Special Area of Conservation (SAC) and Thrislington National Nature Reserve. The Carrs Site of Special Scientific Interest is approximately 630m to the west and Raisby Hill Grassland SSSI is approximately 1.8km to the north east. Bishop Middleham Quarry SSSI is approximately 740m to the west. There are a number of Local Wildlife Sites approximately 400m from the application site. These being Rough Furze Quarry immediately to the west, Ferryhill Cut to the north west and to the south west and Ferryhill Stell & Grassland LWS also lies to the north west of the existing quarry. The ES considers that the proposal would not have significant effects on these sites.
- 184 An assessment of the potential effects on ecology associated with the current proposals has been undertaken and submitted with the application. Several ecological surveys have been carried out. These being an extended phase 1 habitat survey followed by detailed botanical, badger, bat, invertebrate and great crested newt surveys. No evidence of badgers was found. A low level of bat activity was

recorded suggesting bats are unlikely to roost at the site. Butterfly and glow worm habitats were considered to have potential outside of the operational area. The quarry walls were identified as being suitable roosting ledges for Peregrine falcon. Habitats identified on site include calcareous grassland which have developed throughout the site with some notable botanical species.

- 185 The survey accompanying the application identified that great crested newts were found in two of the five ponds surveyed on and around the site. The survey recorded eight great crested newts (a small population) however, given the constraints to the survey it was considered that (based on the precautionary principles) that medium population (10 – 100) was present. A further survey was undertaken in 2016 and submitted with the planning application for the creation of two newt migration/receptor ponds on land west of the C69 (DM/17/01314/FPA). This identified a small population (5) within one of the ponds.
- 186 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). 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. 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.
- 187 In terms of the three 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 for mineral extraction has been established. Continued extraction would be in the public interest given the mineral produced meets the needs of many given the use of the limestone and sand as aggregates and used in the construction industry. Two new ponds have been created to the west of the C69 and it is proposed that the newts would be translocated to them. Natural England has raised no objection to this application or to the separate application for the creation of the ponds. It is considered that there would not be a detrimental effect upon the conservation status of the newts. It is therefore considered that the tests are met and it is likely that a licence from Natural England would be granted. Therefore, subject to a successful application for a European Protected Species Licence made to Natural England, newts would be translocated from the quarry and into the newly formed ponds to the east of the C69.
- 188 The ES concludes the proposal has the potential to significantly affect certain designations and flora and fauna however, none of the potential positive or negative effects on those receptors are likely to be significant. Nor is it considered that the scheme would contravene legal requirements relating to protected species. A number of mitigation measures are incorporated in to the development proposals in order to avoid, reduce or compensate for potential adverse effects and either effectiveness. These mitigation measures can be secured through condition. Mitigation measures include the implementation of a Construction Environmental Management Plan (CEMP), habitat creation and management plan, provision of additional roosting sites for bats and nesting sites for birds, timing of works to avoid sensitive periods and removal of invasive species. The restoration proposals would

provide a biodiversity gain and once the Thrislington East Quarry is worked and restored would provide a link between the two restored sites.

- 189 Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2010 (as amended). The purpose of the Appropriate Assessment would be to determine whether the current proposals would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated. This would be undertaken by the carrying out of a screening exercise on the planning application using the survey data submitted by the applicant.
- 190 In this instance the potentially affected site would be the Thrislington Special Area of Conservation (SAC). Natural England, the statutory consultee in this process, advises that although the proposals are not necessary for the management of the European site, they are unlikely to have a significant effect, and can therefore be screened out from any requirement for further assessment. Ecology officers have undertaken a Habitat Regulations Assessment in respect of the proposal and also conclude that there would be no likely significant effect on the international nature conservation interests of the Thrislington SAC either alone or in-combination with other plans and projects, and that an Appropriate Assessment is therefore not required.
- 191 Natural England and the Council's Ecologist do not object to the proposals and raise no concerns regarding the proposed restoration of the site. The proposals would not conflict with MLP Policies M27 and M29 or Parts 11 and 13 of the NPPF. MLP Policies M27 and M29 are consistent with the NPPF and can carry full weight in the decision making process.

Hydrology

- 192 The site lies on the magnesian limestone and Permian Yellow Sands Principal Aquifers and the Coal Measures Minor Aquifer. This indicates that they can be highly productive in terms of water yield and can support large abstractions for public supply and other purposes. The site is associated with a public water abstraction borehole utilised by Hartlepool Water some 8 km from the site. The site is also underlain by coal measures which are identified by the Environment Agency as Secondary A Aquifer (previously referred to as a Minor Aquifer) which are fractured or potentially fractured rocks that can be important for local water purposes and in supplying base to flow rivers. The northern fringes of the site fall within a Source Protection Zone for groundwater as identified by the Environment Agency.
- 193 Pumping of water from the excavation void to maintain dry conditions is necessary on occasion. Water extracted from the site is pumped to ponds to the south west of Thrislington Works and then into the Carrs watercourse and the River Skerne within the terms of a Discharge Consent from the Environment Agency.
- 194 The ES includes an assessment of hydrology and hydrogeology. It assesses the impact of the proposal on potential hydrological and hydrogeological receptors in the vicinity of the site (ground water bodies and abstractions, well, springs and watercourses, ponds, nature conservation sites and past and present landfill sites). The assessment concludes that the nature and design of the proposed continuation of extraction at the site and the mitigation proposed would ensure that effects on all ground and surface water receptors are not significant. The Environment Agency originally recommended that the application be refused in accordance with the

precautionary principle because the risks to groundwater from the development were considered unacceptable and the applicant had not supplied adequate information to demonstrate that the risks could be satisfactorily managed. The Agency had no objection to the proposed extension of time or to the relocation of the internal haul road. The concerns related to the current and future water management practices undertaken on site, particularly in relation to the extraction and dewatering of the Permian Sands.

- 195 Additional groundwater monitoring was subsequently undertaken. On the basis of the additional monitoring results and this conceptual model, the additional information concludes that the existing site operations have not resulted in contamination of the magnesian limestone aquifer, either as a result of a reversal of groundwater vertical hydraulic gradients or as a consequence of site water management practices at surface. Elevated sulphate levels are present in the onsite sand hole and freshwater lagoon, and some very local contamination of the underlying Permian Sands is in evidence. Mitigation measures advocated in the ES such as the recharge of abstracted water back to ground near the sand hole, supplemented where necessary, by the use of purpose-built infiltration ponds in the magnesian limestone, are appropriate to both address this polluting mechanism and maintain the water resource capacity of the Magnesian limestone aquifer for the purpose of public water supply.
- 196 The Environment Agency considers the additional information submitted to be sufficient to withdraw its objection to the continuation of quarrying activities and the proposed vertical extension subject to a number of planning conditions being imposed. These relate to the submission of a site water monitoring and management plan requiring, amongst other matters, details of groundwater monitoring, details of mitigation measures should groundwater gradients between the Coal Measures and magnesian limestone be reversed and a requirement for the cessation of dewatering if mitigation measures are unable to successfully mitigate unacceptable risks, to the magnesian limestone and Permian Sands.
- 197 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. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 198 The Environment Agency has no objections to the proposal subject to conditions. Drainage and Coastal Protection officers do not object. The proposals would not conflict with MLP Policy M38 or Parts 10 and 13 of the NPPF. MLP Policy M38 is considered to be consistent with the NPPF and can carry full weight in the decision making process.

Access and Traffic

- 199 There are two accesses to Thrislington Quarry West. Entrance 1 is the main entrance located off the C69 to the west of the quarry. Entrance 2 is located to the north on Garmondsway Road. Once extracted and processed mineral is transported out of the quarry via a tunnel under the C69 passing through the existing wheel washes and weighbridge. HGVs then travel onto their destination via the road network. No vehicles associated with extraction operations at Thrislington West Quarry enter or leave the site via Entrance 2 onto Stobb Cross Lane.

- 103 The Thrislington East Quarry planning permission currently provides for the construction of a tunnel under the A1(M) to allow the transportation of high grade material to the Thrislington Works through Thrislington West Quarry. While the tunnel is being constructed material would be transported back to the existing quarry from the access to Thrislington East Quarry on Stobb Cross Lane via Entrance 2. Entrance 1 would also continue to be used. Once the tunnel has been constructed vehicles carrying construction grade aggregate from Thrislington East Quarry would only exit the new access to Stobb Cross Lane. These would turn right towards the A177 and head north or south depending on markets. Over time it is also anticipated that Entrance 1 would be used less for aggregate output. Entrance 2 would remain in place but only vehicles associated with restoration works would use this access. The existing planning permission includes a planning condition limiting the number of vehicle movements exiting the site (an average of 180 per day when calculated over any 4 week period or a maximum of 250 per day at any time). This is to control vehicles delivering material extracted from Thrislington East prior to the construction of the tunnel underneath the A1(M). No changes to the existing arrangements are proposed as part of the current application. Although it is anticipated that the proposals would lead to a maximum of 10 additional HGVs on the haulage route.
- 200 There are two additional accesses directly into the quarry on the eastern site of the C69. The southerly access is used by a readymix concrete plant and the northern access point is used by a materials recycling facility and is an access to the quarry but is not used for vehicle movements associated with the export of limestone and sand. To the west of the C69 is the East Coast Mainline and the site has the ability to export material via rail.
- 201 Existing transport routes which are used as part of normal quarry operations would continue to be used. Vehicle movements are not controlled through condition for Entrance 1 but are in respect of Entrance 2 and no variation to this is proposed. It is not expected that the current application would have any adverse impacts with regard to traffic movements.
- 202 A traffic assessment accompanies the planning application. The assessment states that an average of 1,328 tonnes of excavated material is exported by rail. On average the tonnage transported per HGV is 22 tonnes per load. In order to consider the worst case scenario the assessment assumes that all transport would be via road which would add an addition 118 movements (59 in and 59 out) onto the network. However, given the rate of removal is demand led and this figure this could fluctuate.
- 203 It is anticipated that the proposals would lead to a maximum 10 additional HGVs on the haulage route. As the change in the number of HGVs is low and the area is rural with little pedestrian activity the effects are considered to be minimal. This is in conjunction with the fact that a similar level of HGV trips are already on the highway network lead to the conclusion that the proposals would not have a significant effect. The assessment has considered severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accidents and safety; there is little effect on the surrounding environment especially when is considered this quantity of traffic is already using the highway network and it is concluded that the proposals would not have a significant effect. Mitigation measures proposed through condition include wheel washing, sheeting, and specific travel routes to and from the site for delivery vehicles by planning conditions.
- 204 There have been problems over the years concerning the effectiveness of wheel cleaning at the existing entrances and this had given rise to complaints from members of the public and steps had been taken by the operator to improve performance. Improvements that have been made to the wheel washes at Entrances

1 and 2 and have served to reduce incidents of mud on the road. Entrance 1 has two wheel washes. Two wheel washes are beneficial in terms of maintenance and also assist in controlling traffic flows. The Council monitors the site regularly and has noted improvements to the wheel cleaning provisions at the site following on from problems in the past. Given the acceptable and effective improvements that have been made over the last few years to the wheel washes it has been considered unreasonable to require new replacement facilities. An annual review of the operation and effectiveness of the wheel wash facilities would be included in the annual report and would enable the effectiveness to be monitored. In addition, existing conditions seek to control the deposition of mud onto the highway and ultimately the cessation of all vehicle movements until any issues are resolved.

- 205 The existing planning obligation seeks to control lorry routing. HGVs leaving the site at Entrance 1 are required to turn left onto the C69 and travel north before joining the A177/A688 at Metal Bridge. Return journeys follow the same route in reverse. HGVs leaving and entering the site using Entrance 2 are also prescribed, with vehicles being required to turn right onto Stobb Cross Lane and travel east before joining the A177, and again return journeys follow the same route in reverse.
- 206 Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Traffic generated by the proposal could be accommodated safely and conveniently on the highway network and planning conditions can continue to be imposed to ensure traffic impacts are minimised 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. Traffic routing would be included in a revised planning obligation under S106 of The Town and Country Planning Act 1990 (as amended).
- 207 The Highway Authority and Highways England have no objections to the proposal. The proposed development would accord with MLP Policies M36, M42 and M43 and Part 4 of the NPPF. The proposal would not conflict with MLP Policies M36 and M42, which are considered to be consistent with the NPPF and can carry full weight in the decision making process. MLP Policy M43 is partially consistent with the NPPF and is therefore afforded reduced weight. Whilst the Policy is consistent with the general principles of NPPF and NPPG, the matter of planning obligations needs to align with the related legislation. The terminology used in the Policy 'insofar as they fairly and reasonably relate to the proposed development' does not fully reflect section 122 of the CIL Regulations.
- 208 Cornforth Parish Council commented on the application in 2015. Comments were made regarding the need for an upgrade to wheel washing and road cleaning as well as the closure of entrance 2 onto Garmondsway Road. Since 2015 there has been an upgrade to the wheel wash and a second added, both of which operate satisfactorily. A road cleaner is also used on a regular basis. No vehicles associated with extraction operations at Thrislington West Quarry enter or leave the site via Entrance 2 onto Stobb Cross Lane, but there remains the possibility that the access may be used in conjunction with the transportation of material from Thrislington East Quarry to the Thrislington Works. However, at this present time given the closure of the kilns the access is not currently being used and work on the construction of the tunnel under the A1(M) has not commenced.

Scope for rail

- 209 The supporting planning statement refers to the sites rail connections and indicates that a proportion of the Basal Permian sand is likely to be transported from the site via the existing railhead. In 2016 sand was transported on three occasions via rail and so far this year train has been used a further three times. The annual report requires details of the use of rail transport during the previous 12 months and of investigation into increasing the use of railway transport for all minerals extracted from the site. This requirement would continue through the proposed planning obligation. The proposal would accord with MLP Policy M40 and Part 4 of the NPPF. MLP Policy M40 is considered to be consistent with the NPPF and can carry full weight in the decision making process.

Public Rights of way

- 210 There are a number of public rights of way that are within of adjacent to the site boundary. Footpath No. 20 (Cornforth) runs east to west in the northern part of the site boundary. The route of this Footpath is permanent diversion of a former alignment which was diverted in the 1980 for reasons of public safety. A section of this Footpath also runs west to east in the southern part of the site which connects to Footpath No. 22 (Cornforth) and the Thrislington National Nature Reserve. Footpath No. 22 runs east to west along the southern section of the site boundary. This Footpath connects to Footpath No. 20 (Bishop Middleham) within the southern section of the proposed development and also provides access to the Thrislington National Nature Reserve. Footpath No. 25 (Cornforth) runs north to south in the eastern section of the site adjacent to the A1(M) and connects to Footpath No. 21 (Bishop Middleham) to the south which also runs in a north south direction.
- 211 There would be no alteration to the existing arrangement during any extended period of working of the quarry. Upon restoration it is proposed to divert Footpath No. 20 (Cornforth) to its historical route some 190m to the south of its current position. It is also proposed to divert Footpath No. 22 (Cornforth), in the south eastern part of the site, through the Ruffers Plantation and the former Rough Furze Quarry. Access and Rights of Way officer's note that a statutory legal public path order would be required, which would be subject to statutory consultation. On land to the west of the C69 there are opportunities to increase the public rights of way network. Given final restoration of land to the west of the C69 would not take place until post 2042 detailed restoration proposals and a timetable for implementation would be required through condition.
- 212 Access and Rights of Way officers have considered the proposals and have raised no objections. Any adverse impact on users of the routes in the vicinity of the quarry would be for the duration which they use the route and measures would be put in place to ensure that any potential impacts would be minimised. Impacts such as noise, dust, blasting and visual impact are addressed elsewhere in the report. Any proposals to further improve the rights of way network upon restoration are welcomed but not necessary as part of the current proposals which are considered to be acceptable. It is therefore considered that the development would not have an unacceptable impact upon the recreational value of the countryside. The proposals would therefore accord with MLP Policy M35 and would not be contrary to Part 8 of the NPPF. MLP Policy M35 is considered to be consistent with the NPPF and can carry full weight in the decision making process.

Cultural Heritage

- 213 In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
- 214 Cornforth Conservation Area lies some 560m to the north, Mainsforth Conservation Area is approximately 1km to the south and Bishop Middleham Conservation Area is approximately 1.2km to the south west. The closest listed buildings (all Grade II) are the War Memorial at Cornforth (some 530m to the north), The Church of the Holy Trinity and associated walls, piers, gates and railings (680m to the north). 1km to the west of the quarry in Ferryhill is the Cleeves Cross, the Works being approximately 400m closer, 860m to the south west is the War Memorial at Ferryhill Station, entrances, piers and gates associated with Mansforth Hall lie approximately 1.08km to the south. The closest listed building in Bishop Middleham is the Manor House some 1.2km to the south west of the quarry.
- 215 It is considered that there would be no harm to designated heritage assets given the proposed development is not within the setting of a designated heritage asset and it does not affect the significance of a heritage asset given the distance from the application site and intervening topography, planting and built development. Design and Conservation officers raise no objection to the proposals. It is considered that the proposal would accord with MLP Policy M30 and advice contained in Part 12 of the NPPF. Policy M30 is considered to be consistent with the NPPF and can be attributed weight in the decision making process.
- 216 Given the site is already disturbed there would be no conflict with MLP Policies M31, M32 and M33 and Parts 12 and 13 of the NPPF. MLP Policies M31, M32 and M33 are all considered consistent with the NPPF and can be attributed weight in the decision making process.

Agricultural land

- 217 The application site is an active quarry and all soils have been historically stripped and are stored in stockpiles in locations around the site. Soils would be removed from stockpiles and used in the restoration of the site. The proposed restoration of the site is for non-agricultural nature conservation use where minimal soil is of benefit to encourage a more diverse range of species, particularly those that have historically inhabited the site.
- 218 Natural England raises no objection considering continued working of the site would raise no new considerations relating to soil stripping and storage, but would welcome the opportunity to comment on any more detailed soil replacement strategy submitted by the applicant linked to the concept Restoration Masterplans included within the Environmental Statement.

- 219 The proposal would not conflict with MLP Policy M34 or Parts 11 and 13 of the NPPF given there not be a loss of any best and most versatile agricultural land. Through condition a soil replacement strategy would be secured. MLP Policy M34 is considered partially consistent with the NPPF as it departs from the NPPF by virtue of referring to loss of 20ha or more of the best and most versatile agricultural land.

Cumulative impact

- 220 Paragraphs 143 and 144 of the NPPF and the NPPG recognise that some areas may have been subject to successive mineral development over a number of years. It is recommended that when determining planning applications, local planning authorities should take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality. It is stated that the cumulative impact of mineral development is capable of being a material consideration when determining individual planning applications.
- 221 Central Durham has been subject to mineral extraction on the Magnesian Limestone Escarpment for many years and there are a number of quarries and former quarries in the immediate vicinity of the application site. These include Coxhoe Quarry some 2.6km to the north restored through tipping and Joint Stocks Quarry 2.3km to the north a former quarry currently being restored through tipping. Old Quarrington and Cold Knuckles Quarries 4km to the north east. Coxhoe (Raisby) Quarry lies approximately 2km to the north east (planning permission to extract mineral until 2018 and restoration 2 years thereafter with a current planning application under consideration to extend extraction until 2042 with restoration by 2044.
- 222 Some 80m at the closest point immediately to the north of Garmondsway Road lies Cornforth West Quarry and to the east of the A1(M) Cornforth East Quarry, Thrislington East Quarry immediately to the east of the A1(M) (with planning permission for mineral extraction until July 2042), Bishop Middleham Quarry and extension some 70m to the south east to the east of the A1(M) (mineral extraction until 2029 with restoration by means of waste disposal by 2052). Highland House former waste disposal site lies 540m to the east. In addition a former mineral site, Rough Furze Quarry, lies immediately to the south (this permission was relinquished through a legal agreement as part of the Thrislington East Quarry planning permission). Chilton Quarry, a restored site, is approximately 1km to the south west. The closest sites to Thrislington Quarry West are Thrislington East Quarry, Cornforth East and Cornforth West Quarries all of which are in the control of Tarmac. Bishop Middleham Quarry and the yet to be commenced extension to Bishop Middleham Quarry is also close by and is in the control of another operator.
- 223 The ES has considered the cumulative impacts of noise, dust, blasting, landscape and visual impact, biodiversity interests, hydrology, traffic, access and public rights of way, cumulative impact.
- 224 The ES considers that the human receptors (residential and recreational) that are subject to effects from amenity issues are most likely to be affected cumulatively. Six common receptors have been considered in the assessments. Residents of Garmondsway Road have been identified as receptors in blasting, vibration, noise, air quality and visual assessments. Residents of Stobb Cross Road have been identified as receptors in blasting, vibration, noise and visual assessments. Residents of Hope House have been identified as receptors in blasting, vibration, noise and air quality assessments. Residents of Lough House Bank have been identified as receptors in blasting, vibration, noise and air quality assessments. Other human receptors have been considered by other assessments, as they have been evaluated in the context of a single effect and have not been considered

cumulatively with other effects and were scoped out of the assessment of cumulative impact effects. Environmental receptors have also been considered. Thrislington SAC is identified as a receptor in the ecology and air quality assessments. Rough Furze Quarry LWS Other receptors considered is identified as a receptor in the ecology and hydrology and hydrogeology assessments. The technical assessments undertaken as part of the ES have identified one effect as being near the threshold of establisher criteria as being significant. The noise assessment has predicted temporary operations (the removal of bunding in the northern part of the site during restoration workings in Phase 1) would exceed 70dB at receptor locations on Stobb Cross Road and Stobb Cross Villas. These higher levels are predicted as being temporary in nature (it is considered that the bunds could be removed in one 8 week campaign) and would not be undertaken during early mornings or evenings. Activities within 55 – 60m of the properties are likely to last less than 1 week. Given noise is the only effect predicted to be near the threshold for significance and it is only for a very short period of time, it is considered that the proposed development would not give rise to any significant adverse in-combination cumulative effects.

- 225 In terms of hydrology, it is noted that none of the quarries hold surface or ground water abstraction licences, other than Coxhoe (Raisby) Quarry. Whilst discharge consents are only held by Cornforth and Coxhoe (Raisby) Quarries. With Cornforth being dormant, this suggests that surface water and/or groundwater is only potentially actively used at Coxhoe (Raisby) Quarry. With mitigation with respect to groundwater levels and quality have been suggested that ensures that the effect of the proposed development is not significant and the all cumulative effects are also not significant.
- 226 With regard to biodiversity, it is considered unlikely to be any in-combination effects with neighbouring quarries owing to the restricted ranges of species such as great crested newts and a lack of mechanisms for effects on habitats associated with the fact that no additional land take for mineral extraction is proposed. In addition there is some distance between some of the quarry sites and the application site.
- 227 The ES identifies that the greatest potential for cumulative landscape effects to occur would be from the across elevated land to the east of Thrislington Quarry West from where there would be views of Thrislington West and East Quarries as well as Bishop Middleham and Coxhoe Raisby Quarries. Within these views Thrislington Quarry West is minor limiting the potential for cumulative effects to occur. The restoration proposals for the site (low level restoration with permanent standing water) provides potential for large waterbodies to become a characteristic of the area, but with other sites being restored through landfill to original levels and restored to terrestrial habitats precludes this and limits the potential for significant cumulative landscape effects. In terms of visual cumulative effects it is considered that many of the visual receptors have views which are contained by topography, vegetation or implemented mitigation measures and therefore unlikely to be experience simultaneous views of more than one mineral development. However, there are properties on Stobb Cross Lane/Garmondsway Road where residents would have views the restored area of Thrislington Quarry West, the upper faces of Coxhoe(Raisby) Quarry, distant views of Old Quarrington/Cold Knuckles Quarries. Views of Cornforth East and West Quarries would be possible should they become operational prior to 2030 but this is dependent on the design and layout of the sites. Thrislington Quarry West would not give rise to significant cumulative visual effects. From public rights of way in the vicinity of the site there is potential for views of the site and others in the vicinity but with screening of the application site and screening associated with the other sites it is considered that there would be no or limited potential for significant visual cumulative impact.

- 228 In terms of noise, consideration has been given to the possibility of cumulative noise effects from other mineral extraction schemes in the area. Given the distance of these schemes to receptors it is concluded that there would be no significant cumulative noise effects.
- 229 It is considered that the potential for cumulative blasting effects would only occur if vibration effects from blasts on two different quarries arrived at one of the receptor locations at precisely the same time. This is unlikely to happen even if blasts were initiated at the same time. This is because of the different separation distances between blasting operations on the two different quarries. This is partially true if blasting were to occur in Thrislington East Quarry in conjunction with the proposed operations in Thrislington Quarry West. Blasting would be controlled by the same operator and who could manage the activities to ensure that the risk of simultaneous detonation of shots on both quarries does not occur. As a result cumulative blasting effects are not considered likely. Should the Cornforth Quarries also become operational then this management would also occur.
- 230 The cumulative impact of traffic from neighbouring quarries has been considered and the haulage routes. For Bishop Middleham and extension these are to the south east of the application site and separated by the A1(M) as is the haulage route of Old Quarrington/Cold Knuckles. For Thrislington East Quarry the entrance is on Stobb Cross and vehicles are permitted to enter the application site via the entrance on Stobb Cross Lane. Once the tunnel is constructed it is permitted that HGVs would utilise this route with some leaving via the entrance for Thrislington East Quarry and turning right. With the mothballing of the kilns alternative short term working of the site for aggregates is to be made. Vehicles would leave the site and turn right. No cumulative effects are anticipated. However, Thrislington East Quarry has planning permission and the extant planning permission has controls relating to vehicle movements. Should there be any change to working of Thrislington East Quarry, planning permission would be required, and the in-combination effects would be considered.
- 231 Although currently inactive, should Cornforth East and West Quarries become operational then there is the potential for cumulative effects with Thrislington West Quarry. Cornforth East and West Quarries have the benefit of planning permission but under the requirements of The Environment Act 1995 require a review of the working and restoration conditions prior to working recommencing. Any review submission would consider the cumulative effects of working those sites alongside Thrislington West Quarry as well as other quarries in the vicinity. A Scoping Opinion under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been requested and was provided in July 2017.
- 232 The impacts of working of Thrislington East Quarry and Thrislington Quarry West were considered at the time of the East application. At that time the sites were expected to overlap for a limited period. Conditions were imposed which sought to control the environmental effects. However, given that a market does not currently exist for high grade material the working of the Eastern Quarry to its full potential has not yet been realised. A Scoping Opinion for an alternative working of the site has been requested and provided in June 2017. It is the applicant's intention to submit a planning application to work the Thrislington East Quarry for approximately two years while applications are prepared for submissions in respect of Cornforth East and Cornforth West Quarries. Thrislington West and Thrislington East would be worked at the same time although possibly for a limited in the first instance. There is also the possibility that those along with the Cornforth Quarries could be worked at the same time for a period. However, the strategy for working the quarries will be confirmed through the forthcoming applications.

- 233 The ES considers that the human receptors (residential and recreational) that are subject to effects from amenity issues are most likely to be affected cumulatively. Six common receptors have been considered in the assessments. Residents of Garmondsway Road have been identified as receptors in blasting, vibration, noise, air quality and visual assessments. Residents of Stobb Cross Road have been identified as receptors in blasting, vibration, noise and visual assessments. Residents of Hope House have been identified as receptors in blasting, vibration, noise and air quality assessments. Residents of Lough House Bank have been identified as receptors in blasting, vibration, noise and air quality assessments. Other human receptors have been considered by other assessments, as they have been evaluated in the context of a single effect and have not been considered cumulatively with other effects and were scoped out of the assessment of cumulative impact effects. Environmental receptors have also been considered. Thrislington SAC is identified as a receptor in the ecology and air quality assessments. Rough Furze Quarry LWS Other receptors considered is identified as a receptor in the ecology and hydrology and hydrogeology assessments. The technical assessments undertaken as part of the ES have identified
- 234 The ES considers that cumulative effects would only occur with sites which are currently active (Thrislington East Quarry, Bishop Middleham Quarry, Coxhoe (Raisby) Quarry and Old Quarrington/Cold Knuckles Quarry) and the extension to Bishop Middleham Quarry which has yet to commence. The assessment has considered the in-combination effects on receptors of the individual environmental effects of the proposed development itself and in-combination effects on receptors with other similar sites and development proposals in the vicinity of the proposed development. In all other cases it has been concluded that no significant cumulative effects would occur.
- 235 It is noted that the current proposals do not seek to increase the footprint of the quarry, rather to extend the timescales for extraction of permitted reserves. As has been reflected in the technical assessments of the ES, these proposals would not lead to a significant change to the existing operations at the quarry and no significant effects have been concluded. The ES concludes that no significant cumulative effects would occur with other quarry sites in the area. With respect to the potential for the effects from the proposed development to combine to cause cumulative adverse negative effects, receptors that have been considered in the amenity topics (specifically visual, blasting, noise, air quality and traffic) have been considered. The assessment has concluded that no significant cumulative effects would arise from the proposed development.
- 236 There has been a succession of mineral and waste operations within the vicinity of the application site that have affected the environmental character and quality of the local area and perceptions of it, and sites still with the potential to be worked. The combined effects of working any large-scale excavation may in itself also have some cumulative impacts on environmental and living conditions and the perceptions of those within the vicinity of the area. The effects of the existing quarry are effectively mitigated and this would continue. The proposals do not raise material conflict to MLP Policy M45 concerning cumulative effects and Parts 11 and 13 of the NPPF. MLP Policy M45 is considered to be consistent with the NPPF.

Alternatives

- 237 Alternatives to the current application have been considered. One alternative considered is to allow the current planning permission to lapse and the majority of the site being restored by the end of 2019 (barring the haul road between

Thrislington Works and the Thrislington Quarry Eastern Extension through the proposed tunnel under the A1(M)) resulting in the sterilisation of known mineral reserves and the loss of associated jobs in that quarry.

Legal Agreement

- 238 A planning obligation under Section 106 agreement of the Town and Country Planning Act 1990 (as amended) is currently in place, signed in July 2011 when Thrislington East Quarry was approved. The legal agreement secures controls on the use of high grade dolomite, lorry routing, and requires the submission of an annual report detailing sales and reserves of high grade dolomite, low grade dolomite and other minerals extracted and uses; a topographical survey; noise, dust and blast monitoring results, a review of wheel wash facilities; details of rail use and details of investigations into increasing its use; details of plant and machinery and processing techniques used in respect of magnesian limestone; complaint details and a site working review.
- 239 It is proposed to review the planning obligation to remove those elements relating to the use of high grade material and references to the export of soil from the site. In addition, a commitment to an additional 20 years aftercare following the statutory 5 year period and provision for the long term management of the site in perpetuity under Section 39 of the Wildlife and Countryside Act 1981 (as amended) is proposed. In addition the agreement would therefore secure controls on lorry routing, submission of an annual report detailing sales and reserves; a topographical survey; noise, dust and blast monitoring results, a review of wheel wash facilities; details of rail use and details of investigations into increasing its use; complaint details and a site working review.
- 240 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.
- 241 In this respect certain requirements are desirable they are not necessary to make the development acceptable in planning terms and therefore do not meet such tests and therefore cannot be afforded weight. Identification of haulage routes are welcomed by Highways and can be considered to meet the tests. In addition the requirement to enter into an extended aftercare period and long term management of the site are considered to meet the tests in order to successfully deliver the afteruses proposed.
- 242 NPPG provides guidance on financial guarantees and considers that a financial guarantee to cover restoration and aftercare costs would normally only be justified in exceptional cases. These being very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry; where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development; and where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission. NPPG advises that mineral planning authorities should address any concerns about the funding of site restoration principally through appropriately worded planning conditions. The site is an existing quarry which will be restored to a low level restoration using material stored around the periphery of the site. Through condition details of the restoration works would be required along with timescales for implementation. The NPPG advises where an operator is contributing to an established mutual funding scheme,

such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund, it should not be necessary for a minerals planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances. The applicant, Tarmac, is a member of the Mineral Products Association and a member of the Mineral Products Association Restoration Guarantee Fund.

- 243 In accordance with MLP Policy M52 the ability and commitment of the intended operator to operate and reclaim the site in accordance with the agreed scheme have been taken into account. Given advice in the NPPF it is considered that a financial guarantee is not necessary on this occasion. MLP Policy M52 is considered to be partially consistent with the NPPF as it is emphasised within the NPPF that financial guarantees should only be sought in exceptional circumstances.

CONCLUSION

- 244 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. Thrislington Quarry is an established minerals site with a planning history dating from 1954 and a current permission that extended to January 2015 for mineral extraction. The principle of development has previously considered acceptable and the new proposals would allow for the use of available material and prevent its sterilisation.
- 245 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 magensian limestone and Permian Sand as well as products produced at the site to meet demand from the building industry. The impacts of working and restoration would be prolonged until 2030 with final restoration taking place post 2045. However, the need for the minerals and the environmental benefits associated with the achievement of the proposed restoration scheme would outweigh any reservations regarding extending operations in this respect.
- 246 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 for refusal having regard to the proposed planning conditions which would provide the requisite environmental protection and control.
- 247 There would inevitably be some disturbance and disruption from temporary operations for those living close by but this would be for a short period of time and would have positive benefits through the restoration of the quarry. The site has been designed to be worked in a way that would limit the environmental effects on local communities and suitable mitigation measures would be secured through site design and condition.
- 248 The site is not subject to landscape designations but it is inevitable that there would be some visual intrusion from the removal of the perimeter overburden and soil mounds, existing engineered mounds, and earth works throughout the life of the site, but the operations would generally be localised and the impacts would be moderated

and reduced by perimeter mounding and progressive reinstatement and screening works but with views from higher ground being panoramic.

- 249 A number of ecological designations are located in the vicinity of the site. The impact of the proposed development has been assessed and it is considered that there would not be an adverse impact on those designations close by, a view endorsed by ecological consultees.
- 250 The restoration proposals would deliver a quality restoration and afteruse of the site with opportunities to increase biodiversity interests. Restoration of the site would be secured through condition. The applicant has agreed to enter into a Legal Agreement that would amongst other matters prevent the future working of land in its control, and provide an extended aftercare period and long term management of the site.
- 251 Assessments have been made of the impact upon heritage assets and it has been concluded that there would be no harm. Access and traffic have been assessed and no concerns raised. Consideration has been given to the impacts of the development upon recreational amenity, hydrology and hydrogeology, cumulative impact and the impacts are considered to be acceptable with the imposition of conditions where appropriate.
- 252 The proposed development is considered to broadly accord with the relevant policies of the County Durham Minerals Local Plan, the Sedgefield Borough Local Plan, and relevant sections of the NPPF.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- lorry routing;
- submission of an annual report detailing sales and reserves of mineral extracted, a topographical survey, noise, dust and blast monitoring results, a review of wheel wash facilities; details of rail use and details of investigations into increasing its use, complaint details and a site working review;
- 20 years additional aftercare, and
- a commitment to enter into a Section 39 of the Wildlife and Countryside Act 1981 (as amended) for the long term in perpetuity management of the site.

and subject to the following conditions:

Approved Documents

1. The development hereby approved shall only be carried out in accordance with the following documents (subject to matters subsequently agreed under Conditions 3 and 4):
 - (a) Description of the working method as set out in Section 3.22 and of restoration and aftercare as set out in Section 3.3 of the document entitled 'Thrislington Quarry West Environmental Statement' dated January 2015.

(b) Technical Note: Thrislington Quarry West: Further Hydrogeological Information (dated December 2016).

(c) Mitigation measures as set out in the document entitled 'Thrislington Quarry West Environmental Statement' dated January 2015: Tables 7.8 and 7.13 in relation to ecology; Section 9.6.2 in relation to noise; Section 10.5.1 in relation to blasting; Table 11.9 in relation to air quality;

(d) The following drawings:

- Figure 1.1 Site Location Plan (dated December 2014)
- Figure 3.1 Phase 1 (dated December 2014)
- Figure 3.2 Phase 2 (dated December 2014)
- Figure 3.3 Phase 3 (dated December 2014)
- Figure 3.4 Restoration Masterplan (2030) (dated December 2014)
- Figure 3.5 Restoration Masterplan (2045) (dated December 2014)
- Figure 7.1 Site Boundary (dated December 2014)
- Figure 9.1 Noise Monitoring Locations (dated December 2014)
- Figure 12.1 Thrislington Context Plan (dated September 2017)

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

2. From the date of this certificate to the completion of the development, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be available for inspection in the site offices during the permitted hours of operation, 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 approved shall only be carried out in accordance with a scheme or schemes or schemes to be approved, in writing by the Mineral Planning Authority, relating to the matters listed below. Details required by Conditions (a, b, c and d) to be submitted within 2 months of the date of this decision notice, (e) to be submitted within 2 months of the date of this decision notice for working identified on Figure 3.1 Phase 1 (dated December 2014) and identified in Section 3.2.2 of the document entitled 'Thrislington Quarry West Environmental Statement' dated January 2015, (f) to be submitted prior to each phase of working identified on Figure 3.2 Phase 2 (dated December 2014) and Figure 3.3 Phase 3 (dated December 2014) and identified in Section 3.2.2 of the document entitled 'Thrislington Quarry West Environmental Statement' dated January 2015, (g), (h) and (i) to be submitted within 2 months of the date of this decision notice:

- (a) A soil replacement strategy linked to Figure 3.4 Restoration Masterplan (2030) (dated December 2014) and Figure 3.5 Restoration Masterplan (2045) (dated December 2014) which shall clearly describe the proposed soil handling and replacement methods to be used at the site, appropriate to the grade of soil and intended after-use. The soil replacement strategy shall also include details of the proposed soil depths upon restoration and plant and machinery to be used as well as appropriate steps to prevent the spread of any soil-borne plant or animal diseases.

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).

- (b) A Blasting and Vibration Monitoring Scheme which shall identify suitable monitoring locations as well as mitigation measures and measures to be implemented during blasting operations to minimise the effects of air overpressure, and details of the proposed monitoring frequency and a plan showing the monitoring locations. The scheme shall also include details of the siting of warning flags and notice boards and procedures for informing occupiers of adjacent residential properties of blasting procedures.

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

- (c) A Noise Action Plan including the exact locations of noise monitoring points and proposed monitoring frequency for both normal and temporary operations. The locations of noise monitoring points shall be approved by the Mineral Planning Authority and should be chosen so as to ensure that the possibility of off-site noise affecting measurements is reduced to a minimum.

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

- (d) A Dust Action Plan shall be approved by the Mineral Planning Authority and include:
- i. Exact locations of monitoring points.
 - ii. Proposed monitoring frequency and methodology to be used for assessing monitoring results.
 - iii. Identification of plant and machinery and working methods to be employed on site.
 - iv. Use of baseline Real Time and Passive Dust Monitoring information to establish a 'trigger' levels.
 - v. Arrangements for the monitoring of wind direction and speed.
 - vi. A strategy identifying normal extreme conditions having regard to historical meteorological data.
 - vii. The measures to be triggered during periods of extreme conditions.
 - viii. Arrangements for reporting to the Mineral Planning Authority and for recording and review.
 - ix. Details of all measures to minimise and control dust, including dust control equipment.
 - x. A programme for regular review of the Dust Action plan.

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

- (e) A detailed scheme of working which shall include timing of when areas are to be progressively restored and soil and overburden mounds removed and shall

include, where appropriate, the following and shall be shown on an appropriately scaled plan (for example 1:1250):

- (i) an update of the soil replacement strategy referred to in Condition 3a including details of a phased scheme for the removal, movement, handling and replacement of all soil resources and overburden within the phase, including depths;
- (ii) details of the location of existing and intended stockpiles of mineral, waste materials on site and their heights within the phase;
- (iii) details of drainage arrangements;
- (iv) a detailed working method for the phase, including extraction limits;
 - (a) proposed depth of working;
 - (b) phasing of operations (extraction and restoration);
 - (c) details of design of internal access and haul roads, surfacing of them, and provision and surfacing of hard-standings;
 - (d) the erection of any fences as appropriate to their intended use;
 - (e) provision of public rights of way;
 - (f) habitat creation works;
 - (g) details of any planting and landscaping including:
 - (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, and shrub planting 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.
- i) The provision of areas of magnesian limestone grassland, to include the seed mix and provenance of the seed, preparations to be made to the ground before seeding and subsequent maintenance. (3)
- ii) Details on the treatment of the final quarry faces and the establishment of vegetation on screes and ledges.
- (v) the final contours for the area that has been restored site (at 2 metre intervals), indicating how such contours tie in with the contours on adjacent land and future phases of restoration.

Reason: To ensure the site is satisfactorily worked and restored and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Parts 11 and 13 of the National Planning Policy Framework).

- (f) A detailed scheme of working which shall include timing of when areas are to be progressively restored and soil and overburden mounds removed and shall include, where appropriate, the following and shall be shown on an appropriately scaled plan (for example 1:1250):
 - (j) an update of the soil replacement strategy referred to in Condition 3a including details of a phased scheme for the removal, movement, handling and replacement of all soil resources and overburden within the phase, including depths;
 - (ii) details of the location of existing and intended stockpiles of mineral, waste materials on site and their heights within the phase;

- (iii) details of drainage arrangements;
- (iv) a detailed working method for the phase, including extraction limits;
 - (a) proposed depth of working;
 - (b) phasing of operations (extraction and restoration);
 - (h) details of design of internal access and haul roads, surfacing of them, and provision and surfacing of hard-standings;
 - (i) the erection of any fences as appropriate to their intended use;
 - (j) provision of public rights of way;
 - (k) habitat creation works;
 - (l) details of any planting and landscaping including:
 - (f) the species to be planted, and the percentage of the total to be accounted for by each species;
 - (g) the size of each plant and the spacing between them;
 - (h) the preparations to be made to the ground before planting;
 - (i) the fencing off of planted areas;
 - (j) a subsequent maintenance and management programme during the aftercare period once the hedgerow, tree, and shrub planting 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.
 - i) The provision of areas of magnesian limestone grassland, to include the seed mix and provenance of the seed, preparations to be made to the ground before seeding and subsequent maintenance. (3)
 - ii) Details on the treatment of the final quarry faces and the establishment of vegetation on screes and ledges.
- (v) the final contours for the area that has been restored site (at 2 metre intervals), indicating how such contours tie in with the contours on adjacent land and future phases of restoration.

Reason: To ensure the site is satisfactorily worked and restored and in the interests of residential amenity. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Parts 11 and 13 of the National Planning Policy Framework).

- (g) A restoration strategy for all of the land edged grey and identified as 'Thrislington Quarry site boundary (as illustrated in Drawing Ref. LAFM/TH/5-00/9036)' on Figure 3.4 Restoration Masterplan (2030) (dated December 2014) and Figure 3.5 Restoration Masterplan (2045) (dated December 2014) and identified in Section 3.3 of the document entitled 'Thrislington Quarry West Environmental Statement' (dated January 2015) and a timetable and timescales for implementation based on the Phases identified in Section 3.3 of Thrislington Quarry West Environmental Statement' dated January 2015 and provision for review shall be submitted which shall include, where appropriate:
 - i) Regrading, replanting, management and/or removal of bunds of bunds located within the site boundary.
 - ii) The final contours for the site (at 2 m intervals) indicating how such contours tie in with the existing contours on adjacent land.
 - iii) The timing and phasing of progressive restoration works including, where necessary, the removal of plant, buildings and hardstandings.
 - iv) Details of the drainage of the restored site including any drainage ditches and discharge points.
 - v) The retention or erection of fences.

- vi) Details of the depth, design and means of construction of the waterbody, including the marginal wetlands, and drainage of the restored site including any drainage ditches and discharge points.
- vii) provision of public rights of way;
- viii) Tree, scrub and hedgerow planting including:
 - (k) the species to be planted, and the percentage of the total to be accounted for by each species;
 - (l) the size of each plant and the spacing between them;
 - (m) the preparations to be made to the ground before planting;
 - (n) the fencing off of planted areas;
 - (o) a subsequent maintenance and management programme during the aftercare period once the hedgerow, tree, and shrub planting 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.
- ix) The provision of areas of magnesian limestone grassland, to include the seed mix and provenance of the seed, preparations to be made to the ground before seeding and subsequent maintenance.
- x) Details on the treatment of the final quarry faces and the establishment of vegetation on screes and ledges.

Reason: To ensure the site is satisfactorily restored. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Parts 11 and 13 of the National Planning Policy Framework).

(h) Measures to ensure that the risk of erosion within the site is minimised.

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) A detailed specification, including a programme for cultivation, seeding, fertilising, and the after-care of the land for five years following compliance with Condition 63 to restore the land to a condition fit for the intended after-use.

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).

Matters Requiring Subsequent Approval Relating to Groundwater

4. Within 6 months of the date of this planning permission a Site Water Monitoring and Management Plan shall be submitted to and agreed in writing with the Mineral Planning Authority. Once approved the development shall be operated in accordance with the approved Site Water Monitoring and Management Plan. As a minimum the Plan should include:
 - a) Details of the groundwater monitoring borehole network.
 - b) Details of groundwater level and quality monitoring to be undertaken - including frequency, method and duration.
 - c) An appropriate method and timescale for submission of groundwater data.
 - d) A summary of all available monitoring data highlighting any observed changes to the sites groundwater regime (quality and level) with provision for updating as changes are observed.

- e) Details of water use on site and water management practices.
- f) Details of mitigation measures to be implemented if groundwater gradients between the Coal Measures and Magnesian Limestone are reversed (i.e. redirected upwards from the Coal Measures to the Permian Sands and also from the Permian Sands to the Magnesian Limestone), or within OBH Group 11 are significantly strengthened (e.g. doubled) during operation of the site.

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. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Completion

- 5. All mineral extraction shall cease by no later than 15 January 2030.

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).

- 6. The site as identified on Figure 1.1 Site Location Plan (dated December 2014) shall be restored within 2 years from the from the cessation of mineral extraction referred to in Condition 5 in accordance with details approved in accordance with Condition 3.

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

- 7. The site and area to the east of the C69 as edged grey and identified as 'Thrislington Quarry site boundary (as illustrated in Drawing Ref. LAFM/TH/5-00/9036)' Figure 3.5 Restoration Masterplan (2045) (dated December 2014) shall be finally restored no later than 15 January 2047 in accordance with the details approved in accordance with Condition 3. Should the Thrislington Works permanently close prior to this date then a restoration scheme shall be submitted to the Mineral Planning Authority within 6 months of notification of final closure and implemented within 2 years of the date of approval of the scheme.

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

Working Period

- 8. Operations authorised by this consent shall be restricted to the following periods. The hours for temporary operations are set out in Condition 9:

Blasting

20 minutes either side of the half hour between

08.00 – 16.30 hours Monday – Friday
08.00 – 12.00 hours Saturday

Drilling

06.30 – 17.30 hours Monday – Friday
06.30 – 12.00 hours Saturday

Inpit processing

06.00 – 22.00 Monday – Friday
06.00 – 16.00 Saturday

Haulage of aggregate from site

06.00 – 21.00 Monday – Friday
06.00 – 16.00 Saturday (Entrance 1 only)

Servicing, Maintenance and Testing of Plant

06.00 – 22.00 Monday – Friday
06.00 – 16.00 Saturday

No operations other than water pumping shall take place outside these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Minerals Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working. (5)

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

9. Temporary 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) including the removal of bunds giving rise to elevated noise levels shall not take place before 8am Monday to Friday. No temporary operations shall take place outside these hours or at any time on Bank, or other Public Holidays or at weekends.

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

10. Noise monitoring shall always be undertaken by the site operator when temporary 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 within 60 metres of Stobb Cross Farm in accordance with the scheme approved under Condition 3.

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

Access and Protection of the Public Highway

11. Vehicular access to and from the site shall only be via the approved site accesses shown on Figure 12.1 Thrislington Context Plan (dated September 2017). The surfaces of the site accesses shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Parts 4, 11 and 13 of the National Planning Policy Framework).

12. Wheel cleaning facilities shall be used to ensure all vehicles leaving the site are thoroughly cleansed of mud before entering the public highway. No vehicle shall be allowed to enter the public highway unless its wheels and chassis have been cleaned such that mud and other debris shall not be deposited on the public highway.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Parts 4, 11 and 13 of the National Planning Policy Framework).

13. In the event that the wheel cleaning facilities at an approved access are found, for whatever reason, to be unable to clean vehicles such that the terms of Condition 12 can be fully met, all vehicle movements from the access in question shall cease immediately until alternative measures to prevent the deposition of mud and other debris on the public highway have been agreed with the Mineral Planning Authority and implemented.

Reason: In the interests of highway safety (Adopted County Durham Minerals Local Plan (December 2000) Policy, M43 Road Traffic and Parts 4, 11 and 13 of the National Planning Policy Framework).

14. The loads of all vehicles carrying minerals leaving the site onto the public highway shall be enclosed or fully covered by sheeting.

Reason: In the interests of highway safety and residential amenity (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 and M43 Road Traffic and Parts 4, 11 and 13 of the National Planning Policy Framework).

15. The number of laden heavy goods vehicles exiting the site via the eastern access point, shown on Figure 12.1 Thrislington Context Plan (dated September 2017) as entrance 2, shall not exceed an average of 180 per day, when calculated over any 4 week working period (Mondays to Fridays) or a maximum of 250 per day at any time. A daily log of all heavy goods vehicles entering and leaving the site shall be kept at the site office. The log shall include details of the access point used, vehicle registration number of the vehicles and times of arrival/departure and shall be made available for inspection by the Mineral Planning Authority on request.

Reason: In the interests of highway safety and residential amenity (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 and M43 Road Traffic and Parts 4, 11 and 13 of the National Planning Policy Framework).

Soil Management

16. The method of replacement within the site shall only be undertaken in accordance with the scheme approved under Condition 3, or amendment to it, and shall be appropriate to the quality of the soils and intended after-use.

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

17. The 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.

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

18. No 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 consent of, by methods and for a period agreed with, the Mineral Planning Authority.

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

19. No topsoil or subsoil 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).

Site Working

20. 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).

21. Until the restoration of the site the following shall be carried out:
- (a) The maintenance of fences in a secure, and where appropriate, stockproof condition between areas used for development and any adjoining agricultural land.
 - (b) The retention of fencing around trees and hedgerows to be retained.
 - (c) The maintenance of haul roads between wheelwashes and the public highway, ensuring that they are kept clean from mud.
 - (d) The maintenance of drainage ditches and settlement lagoons and the clearance of mud and silt from any settlement lagoons to avoid reducing their capacity to intercept sediment.
 - (e) The treatment of trees affected by disease in accordance with accepted practices of good arboricultural practice.

- (f) All storage mounds of soil and overburden to be kept free of weeds and necessary steps taken to destroy weeds at an early stage of growth to avoid seeding.

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

22. No waste materials shall be imported or non-mineral waste be deposited at the site other than in accordance with Planning Permission No. DM/14/02765/VOCMW or subsequent replacement permission.

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

23. No burning of rubbish or waste materials shall take place at any time at the site, except as may be required by the Mines and Quarries Act 1954 and any other relevant legislation.

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

24. If mineral extraction within the area outlined in red on Figure 1.1 Site Location Plan (dated December 2014) is to be suspended for a period of 6 months or more, then the operator shall within 3 months of the suspension, give written notification to the Minerals Planning Authority together with proposals for interim restoration for consideration by the Minerals Planning Authority. Written notification shall be given to the Minerals Planning Authority prior to the resumption of mineral working following a temporary suspension.

Reason: To ensure the site is satisfactorily restored and 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).

25. Should extractive operations cease for a continuous 2 year period then such operations shall have deemed to have ceased and the land edged grey and identified as 'Thrislington Quarry site boundary (as illustrated in Drawing Ref. LAFM/TH/5-00/9036)' on Figure 3.4 Restoration Masterplan (2030) (dated December 2014) and Figure 3.5 Restoration Masterplan (2045) (dated December 2014) shall be restored in full accordance with the restoration scheme agreed with the Minerals Planning Authority in accordance with Condition 3 or such other scheme for the reinstatement and aftercare of the site as may be agreed in writing in advance with the Minerals Planning Authority.

Reason: To ensure the site is satisfactorily restored and 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).

26. The Company shall convene at least every six months or at such other frequency agreed by the liaison committee, a liaison committee composed of representatives of the Company, the Council and the Environment Agency. Up to two councillors from Cornforth Parish Council and Ferryhill Town Council, as well as up to two nominated representatives of the Parish and Town Councils themselves, for the purpose of exchanging information and comment about 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).

Buildings, Fixed Plant and Machinery

27. 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, other than approved under Condition 3 above, shall be erected or placed on the site other than with the prior written approval of the Mineral Planning Authority.

Reason: In the interests of residential amenity and to enable the local planning authority to consider the implications of any proposal to expand the activities which take place within the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Parts 11 and 13 of the National Planning Policy Framework).

28. Plant and machinery on the site shall not be used to process, treat or otherwise refine materials other than those extracted from 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).

Noise

29. Except when short term temporary 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 exceed 55 dBL Aeq, 1 hour between the hours of 0700 to 1900 and shall not exceed 50dBL Aeq, 1 hour, between the hours of 0600 to 0700 and 1900 to 2200 at the properties/locations listed below and Figure 9.1 Noise Monitoring Locations (dated December 2014) or other locations identified in the Noise Action Plan approved in writing by the Mineral Planning Authority under Condition 3. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Garmondsway Road, West Cornforth (no. 68)
Stobb Cross Farm, West Cornforth
Lough House, Ferryhill Station
Hope House

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).

30. Noise emitted as a result of short term temporary 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) , *the free-field equivalent continuous noise*

level, $L_{Aeq, T}$, at the noise monitoring points properties/locations listed below and Figure 9.1 Noise Monitoring Locations (dated December 2014) or other locations identified in the Noise Action Plan approved in writing by the Mineral Planning Authority under Condition 3. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects, shall not exceed 70 dBL A_{eq} , 1 hour. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Garmondsway Road, West Cornforth (no. 68)
Stobb Cross Farm, West Cornforth
Lough House, Ferryhill Station
Hope House

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).

31. The Mineral Planning Authority shall be given at least two 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 and removal of the outer faces of the overburden mounds).

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).

32. Noise levels shall be monitored by the operating company at monthly intervals for each of the noise monitoring points specified in Condition 29 when site equipment is operating normally. The duration of the sample measurements shall be 1 hour. Following approval of the Noise Monitoring Scheme required under Condition 3 monitoring shall take place in accordance with the approved scheme. On request, the operator shall, within 7 working days, furnish the Minerals Planning Authority with the particulars of the measurements recorded by the equipment and the plant and equipment operating on the site at the time of the surveys, including all calculations necessary to demonstrate the equivalent noise levels at noise sensitive properties.

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).

33. No audible warning devices, including reversing alarms shall be fitted to any plant or equipment except in accordance with details to be approved in writing by the Minerals Planning Authority.

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).

34. No plant or machinery shall be used on site unless it is fitted with an effective silencer and has the doors or cowls of its engine(s) in the closed position. Pumps or generators at semi permanent or permanent locations shall be screened by acoustic barriers where appropriate. Plant shall have reversing bells in preference to sirens, but where sirens are used they shall operate in the high frequency range.

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).

35. If the recorded noise levels specified in Conditions 29 and 30 are exceeded because of the use of audible reversing alarms, the use of plant or machinery with those alarms shall cease until alternative safety measures have been investigated and details have been submitted in writing to the Minerals Planning Authority, and a plan of action has been agreed and implemented to the satisfaction of the Minerals Planning Authority.

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

36. Blasting shall only be carried out, other than in an emergency, and in accordance with the following criteria:
- (a) no blasting shall take place except at 20 minutes either side of the half hour between 08.00 – 16.30 hours Monday – Friday; 08.00 – 12.00 hours Saturday
 - (b) there shall be no blasting on Sundays, Bank or Public Holidays;
 - (c) no more than 3 blast(s) shall take place each day;
 - (d) audible warning shall be given prior to any blast.

No blasting shall take place outside these hours or at any time on Bank or other public holidays, save in cases of emergency when life, limb, or property are in danger. The Minerals Planning Authority shall be notified as soon as is practicable after the occurrence of any such emergency operations or working.

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

37. No blasting operations shall take place which will result in ground vibrations with a peak particle velocity greater than 6mm/sec and 60% of all blasts over a six month period shall be less than 3mm/sec when measured at the monitoring points specified in the Blasting and Vibration Monitoring Scheme approved under Condition 3 at the monitoring points specified in the scheme.

Reason: In the interests of residential amenity and to protect land outside the site. (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. Blasts shall be monitored by the operator in accordance with the procedures and locations set down in the Blasting and Vibration Monitoring Scheme approved under Condition 3; for peak particle velocity in the vertical, horizontal and transverse planes. The results of all monitoring undertaken shall be kept at the quarry offices and made available for inspection by the Minerals Planning Authority

upon request and without undue delay. On request, the operator shall, within 2 working days furnish the Minerals Planning Authority with the particulars of the measurements recorded.

Reason: In the interests of residential amenity and to protect land outside the site. (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. Each blast shall be preceded by the sounding of a siren, and notices giving details of blasting operations and red warning flags shall be placed at the positions agreed in accordance with Condition 3 before blasting commences. The siren, notices and position at which red flags are to be erected will be maintained throughout the duration of mineral extraction operations. Occupiers of adjacent residential properties shall be notified of blasting procedures on site in accordance with the scheme agreed in accordance with Condition 3.

Reason: In the interests of residential amenity and to protect land outside the site. (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. The measures to minimise the effects of air overpressure from blasting as agreed in accordance with Condition 3 shall be implemented.

Reason: In the interests of residential amenity and to protect land outside the site. (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

41. Dust control equipment shall be used when appropriate to suppress dust on the site arising from all operations, including vehicular movements, excavation operations, mineral, soils and overburden stockpiling arrangements, and soils stripping and placement operations. At such times when the equipment provided is not sufficient to prevent fugitive dust emissions from the site, to the satisfaction of the Minerals Planning Authority, operations giving rise to fugitive dust shall cease until additional equipment is provided when necessary and found to be adequate.

Dust suppression measures employed shall include:

- (i) the provision of a mobile water bowser or bowzers as necessary;
- (ii) the use of dust suppression equipment on fixed plant and machinery where appropriate;
- (iii) a speed limit of 15 mph on all internal haul roads, with plant operating with exhausts upturned where appropriate;
- (iv) all active haul roads and areas used for the loading and storage of minerals shall be watered during dry, windy weather conditions;
- (v) storage mounds for soils and overburden which will be untouched for more than three months shall be seeded in accordance with details agreed.

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

42. The Dust Action Plan approved in accordance with Condition 3 shall be implemented and adhered to at all times.

Reason: In the interests of residential amenity and to ensure the development is carried out in accordance with the approved documents. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting local amenity and Parts 11 and 13 of the National Planning Policy Framework).

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

Reason: In the interests of residential amenity and to ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting local amenity and Parts 11 and 13 of the National Planning Policy Framework).

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

Reason: In the interests of residential amenity and to ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policies M36 Protecting local amenity and Parts 11 and 13 of the National Planning Policy Framework).

Surface Water Drainage and Pollution Control

45. The development shall be operated in accordance with the Site Water Monitoring and Management Plan approved in accordance with Condition 4.

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

46. Any changes to the agreed Site Water Monitoring and Management Plan (SWMMP) shall be submitted to and agreed in writing with the Mineral Planning Authority at least one month prior to their implementation; except where unacceptably high risks to groundwater require an immediate response.

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. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

47. If an upwards hydraulic gradient between the Coal Measures and Magnesian Limestone is observed, or the existing upward gradient observed at OBH Group 11 is significantly strengthened (e.g. doubled) the mitigation measures within the Site

Water Monitoring and Management Plan, agreed by the Mineral Planning Authority, should be implemented by the operator.

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. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

48. If identified and implemented mitigation measures are unable to successfully mitigate unacceptable risks, to the Magnesian Limestone and Permian Sands, dewatering operations should cease. Further excavation in the saturated Magnesian Limestone shall only recommence when an alternative mitigation scheme is submitted and approved in writing with the Mineral 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. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

49. Any facilities for the storage of oils, fuels or chemicals shall be sites 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 plus 10%. If there is multiple tankage, the compound should 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. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent the pollution of the water environment. (Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources). Environment Agency condition and reason.

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).

Ecology

50. 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 by a suitably qualified person(s) 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: In the interests of nature conservation. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M29 Nature Conservation and Part 11 of the National Planning Policy Framework*).

Site 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.

Removal of Mining Facilities

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

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

53. In accordance with the agreed restoration strategy approved under Condition 3, any settlement lagoons and drainage channels shall, unless to be retained in accordance with approved plans, be emptied of slurry, filled with dry inert material from the site, and restored to levels shown on the approved restoration plan.

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

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

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

Replacement of Overburden

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

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

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

57. The Minerals Planning Authority shall be notified when Condition 58 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 Soil

58. Soils and soil-making materials (including quarry waste) shall only be respread when it, and the ground on which it is to be placed, are in a sufficiently dry condition and in accordance with the approved details required by Condition 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. No movement, replacement or cultivation of topsoils or subsoils shall be carried out during the months of October, November, December, January, February and March inclusive, without the prior consent of, by methods and for a period agreed with, the Mineral Planning Authority.

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

60. After Condition 56 has been complied with, soil and soil-making materials (including quarry waste) shall be respread where appropriate, in layers to be agreed beforehand with the Minerals Planning Authority and in accordance with the approved restoration scheme.

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

61. Each layer formed in accordance with Condition 60 shall be rooted to its full depth and any non-soil type material or rock, boulder or stone, larger than would pass through a wire screen mesh with a spacing of 0.3 metres shall be removed from the surface and not buried within the respread soil.

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

62. All areas of exposed soil shall be rooted to relieve compaction and surface picked to remove any obstructions to cultivation in accordance with the restoration scheme approved under Condition 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).

63. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Conditions 61 and 62 prior to further restoration being carried out, and should be kept informed as to the progress and stage of all works.

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

64. Following compliance with Conditions 61 and 62, the surface shall be graded to ensure that the contours of the landform conform with the restoration contours approved by the Minerals Planning Authority in accordance with the restoration scheme approved under Condition 3.

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

Provision of Surface Features Including Seeding

65. Following compliance with Condition 64 land to be sown shall be worked to prepare a seedbed suitable for the sowing of the appropriate seed mixture (as set out in the restoration scheme submitted under Condition 1 and as may be subsequently amended by the conditions submitted under Condition 3). During the cultivation process, any stones lying on the surface which are larger than would pass through a wire screen mesh with a spacing of 100mm, together with any other objects likely to obstruct future cultivation, shall be removed from the site.

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

66. By no later than the end of September following compliance with Condition 68, land so prepared shall be sown with the grass seed mixture approved in accordance with the restoration scheme approved under Condition 3.

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

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

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

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

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

69. Works to the quarry faces, including restoration blasting and planting on restored faces shall be carried out in full accordance with the drawings and documents approved in accordance with the restoration scheme approved under Condition 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).

70. The formation of the water body and wetlands shall be carried out in full accordance with the drawings and documents approved in accordance with the restoration scheme approved under Condition 3.

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

Aftercare

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

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

Annual Review

72. Before 31st August of every year during the aftercare period in respect of all tree planting and restoration works, including seeding, carried out in accordance with approved details a report shall be submitted to the Minerals Planning Authority recording the operations carried out on the land during the previous 12 months (including works to rectify grass sward and planting failures, and identified as necessary by the Minerals Planning Authority as a consequence of preceding site meeting, held in accordance with Condition 73), and setting out the intended operations for the next 12 months.

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

73. 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 72, to which the following parties shall be invited:

- (a) the Minerals Planning Authority;

- (b) all owners of land within the site;
- (c) all occupiers of land within the site.
- (d) Natural England (as appropriate);

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

74. Aftercare of trees, shrubs and hedgerows shall proceed in full accordance with the approved restoration scheme, which shall include the following:

- (a) replacing plants which die or are missing;
- (b) weeding early in each growing season and as necessary thereafter to prevent the growth of plants being retarded;
- (c) maintaining fences around planted areas in a stock and rabbit proof condition;
- (d) appropriate measures to combat all other pests and/or diseases which significantly reduce the viability of the planting scheme.

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

75. Aftercare of grassland, including all Magnesian Limestone grassland, and wetlands shall proceed in full accordance with the details approved in accordance with the scheme agreed by the Minerals Planning Authority under Condition 3 for the duration of the aftercare period, this being 5 years from soil replacement.

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

Completion and Aftercare

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

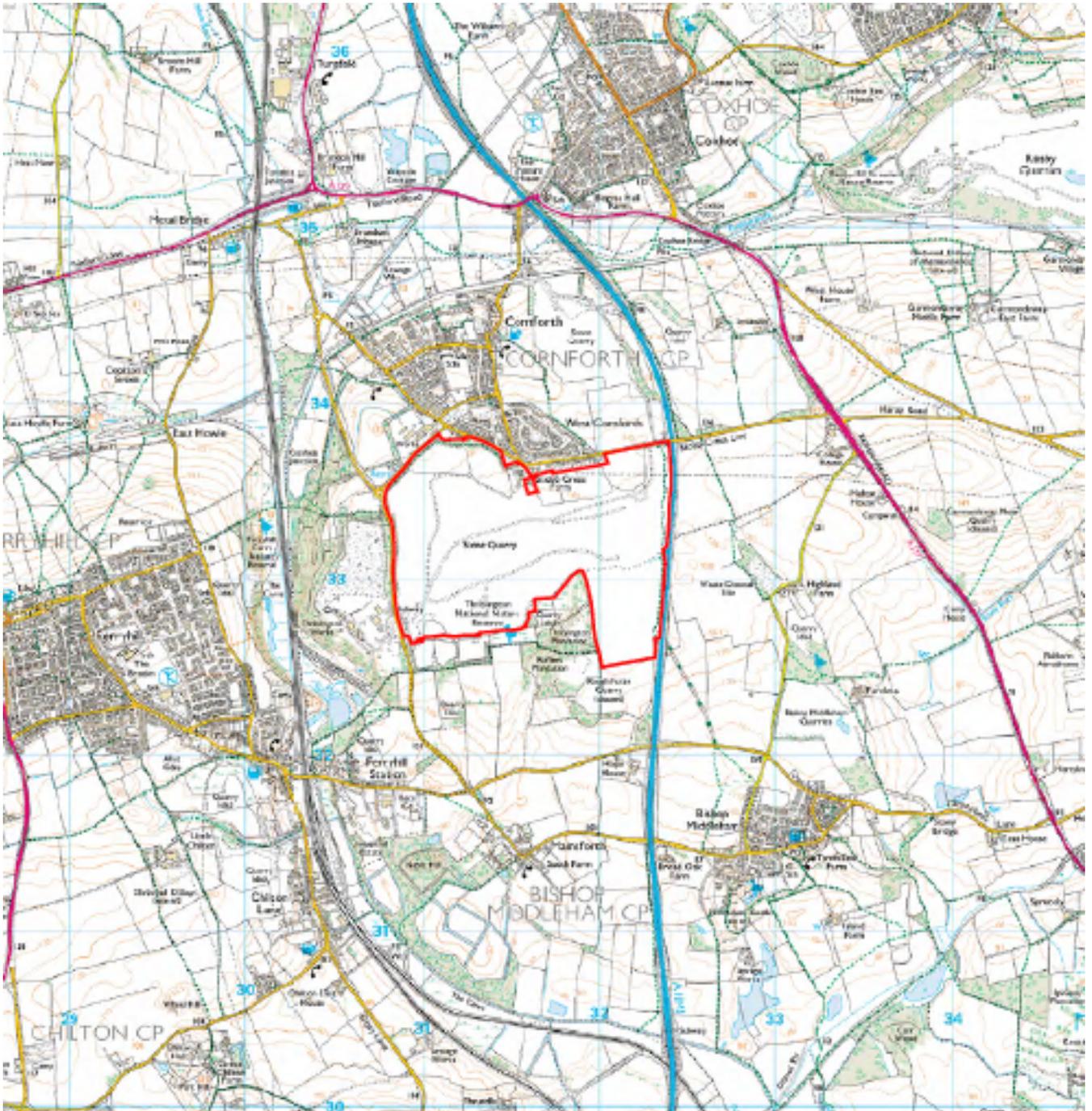
Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, Environmental Statement, plans, associated documents and subsequently submitted additional environmental information and additional information provided by the applicant.
- National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- County Durham Minerals Local Plan (2000)
- Statutory, internal and public consultation responses.



Planning Services

DM/15/00127/MIN

Extraction of remaining limestone reserves and revised working area for extraction of Basal Permian sand for 15 years until 2030, relocation of internal haul road and a scheme for the progressive and final restoration of the site, Thrislington Quarry West, Ferryhill, DL17 9EY

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Comments

Date September 2017

Not to scale