

# County Durham Minerals and Waste Policies and Allocations Document

## Draft Plan

September 2021



*Altogether better*





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# Chapter 1 - The Minerals and Waste Policies and Allocations Document

## Purpose of this document

- 1.1. The County Durham Minerals and Waste Policies and Allocations document (M&WDPD) sets out the non-strategic minerals and waste objectives, policies and allocations. It is being prepared in accordance with the Planning and Compulsory Purchase Act 2004 and this is the second stage of consultation that is being undertaken on the M&WDPD under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 18).

## What is the role of the County Durham Minerals and Waste Policies and Allocations document (M&WDPD)?

- 1.2. Once adopted as a Development Plan Document (DPD), the M&WDPD will form part of the statutory development plan<sup>1</sup> for County Durham along with the County Durham Plan and any 'made' (adopted) Neighbourhood Plans and together with the provisions of the County Durham Plan will provide the statutory decision-making framework for the determination of all planning applications for the minerals and waste development in County Durham. It will also replace all remaining saved policies of the County Durham Minerals Local Plan<sup>2</sup> (CDMLP) which was adopted in December 2000 and the County Durham Waste Local Plan<sup>3</sup> (CDWLP) which was adopted in April 2005. The remaining saved policies of these plans are currently listed in Appendix B of the County Durham Plan. However, the remaining saved CDMLP policies and saved CDWLP policies which are to be replaced by the M&WDPD are also listed in Appendix A of this document.

## What is the relationship between the County Durham Plan and the Minerals and Waste Policies and Allocations document?

- 1.3. The County Durham Plan sets out the Council's overarching strategy for the development and use of land in County Durham to 2035 and was adopted in October 2020. It also sets out the spatial vision and strategic objectives for

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<sup>1</sup> Information on the statutory development plan for County Durham can be accessed on the Council's website: Development Plan for County Durham - Durham County Council

<sup>2</sup> Minerals Local Plan - Durham County Council

<sup>3</sup> Waste Local Plan - Durham County Council

future development of the county, including minerals and waste development. In total the County Durham Plan contains sixty-one policies and a number of site allocations. The County Durham Plan contains many policies which are applicable to both mineral working and waste management.

- 1.4. Specifically, in relation to minerals and waste the County Durham Plan, based on the information which was available when it was prepared, identified, where possible, the scale of future minerals extraction and waste management capacity required that will need to be accommodated within the County over the period to 2035. It also set out where and when new provision will be necessary. It sought to provide clear guidance to enable site specific allocations and planning applications to be considered in both locational and criteria-based terms and it allocated three strategic sites for new minerals development and waste development.
- 1.5. The M&WDPD is being prepared to complement the strategic minerals and waste policies and other policies which are relevant to minerals and waste of the County Durham Plan. However, while it is intended that the M&WDPD will generally align with the plan period of the adopted County Durham Plan, the M&WDPD will also need to align with the Council's Local Aggregate Assessment.

## **Developing the Minerals and Waste Policies and Allocations Document**

- 1.6. The preparation of the M&WDPD is a commitment that the Council made during the preparation of the County Durham Plan. To demonstrate its intent, in June 2018 the Council published both a Scoping Report on its contents and a Sustainability Appraisal Scoping Report for the M&WDPD<sup>4</sup>. The M&WDPD is being prepared in accordance with the timetable for its preparation as set out in the Council's latest Local Development Scheme (2020)<sup>5</sup> which can be downloaded from the Council's website.
- 1.7. Initial consultation under Regulation 18 was undertaken between Friday 15th January 2021 and Friday 26th February 2021 when the Council consulted for six weeks on its Regulation 18 Statement - Notice of Intention to Prepare a

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<sup>4</sup> The County Durham Plan Minerals and Waste Policies and Allocations Document Scoping Report (June 2018) and the County Durham Plan Minerals and Waste Policies and Allocations DPD – Sustainability Appraisal Scoping Report Synopsis (June 2018) can be downloaded from the County Durham Plan evidence page: County Durham Plan Evidence Library - Keystone (objective.co.uk)

<sup>5</sup>The Council's Local Development Scheme can be downloaded from the Council's website: <https://www.durham.gov.uk/article/7440/What-is-the-County-Durham-Plan->

Local Plan Development Plan Document<sup>6</sup>. A call for new minerals and waste sites<sup>7</sup> was also undertaken at this time. A separate document<sup>8</sup> has been prepared to appraise the sites which were proposed by the minerals and waste industry and should be read alongside this consultation and the Statement of Consultation on the Regulation 18 Statement - Notice of Intention to Prepare a Local Plan Development Plan Document.

## Cross Boundary Working and the Duty to Cooperate

- 1.8. One of the changes brought about by the Localism Act 2011 was the introduction of the Duty to Co-operate with neighbouring authorities and key stakeholders when preparing plans. County Durham borders number of County, District and Unitary Councils and a National Park Authority.
- 1.9. All strategic matters relating to both minerals and waste were addressed during the preparation of the County Durham Plan and at that time Statements of Common Ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these matters were produced. Through normal plan monitoring and review all strategic matters relating to both minerals and waste will be subject to monitoring and the outcome of this review work will be considered through work to update the County Durham Plan.
- 1.10. The Council consulted all adjoining Councils on the M&WDPD at the initial regulation 18 stage in January 2021 and will continue to do so throughout the document's preparation. To date no strategic cross-boundary issues have been raised by any authority consulted.
- 1.11. Through general cross boundary working, the Council will discuss matters of mutual concern with all adjoining minerals and waste planning authorities. This includes through the established Northeast Minerals and Waste Planning Officers Group (NEMWPOG) which all Northeast and adjoining local authorities attend. Normally this group meets twice a year. Due to the ongoing Covid19 pandemic this group last met in March 2020.

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<sup>6</sup> Regulation 18 Statement - Notice of Intention to Prepare a Local Plan Development Plan Document can be downloaded here: <https://consult-durhamcc.objective.co.uk/kse/event/35975/section/>

<sup>7</sup> A Call for New Minerals and Waste Sites can be downloaded here: <https://consult-durhamcc.objective.co.uk/kse/event/35973/section/>

<sup>8</sup> County Durham M&WDPD Assessments of potential Minerals and Waste sites in County Durham – submitted in response to a call for sites 2021 (June 2021).

## **Evidence Base**

- 1.12. The evidence base which is currently available to support consultation on the M&WDPD is largely the evidence which was prepared to support the County Durham Plan.
- 1.13. The Council's key waste evidence is set out in the 'Addendum to 2012 Study Waste Arisings and Waste Management Capacity Model'<sup>9</sup> (June 2018) and this provides the basis for the waste capacity gap within the County Durham Plan.
- 1.14. The Council's key minerals evidence<sup>10</sup> is set out in two documents the Minerals Technical Paper (January 2019) which provides an overview of the geology of County Durham and mineral resources and mineral working in County Durham and the Council's Local Aggregate Assessment.
- 1.15. Working in partnership with other Councils in Northumberland and Tyne & Wear the Council has published the latest iteration of the Joint Local Aggregate Assessment<sup>11</sup> (Joint LAA) for County Durham, Northumberland and Tyne and Wear in April 2021. The latest Joint LAA is based on 2018 permitted reserves and sales data and provides an updated assessment of aggregate working in County Durham. This assessment supersedes previous versions and sets out forecast residual need (having taken into account CDP allocations for further mineral working) which needs to be met by additional permitted reserves including of both sand and gravel and crushed rock (carboniferous limestone). In addition, it also sets out the Council's expectations as to how existing sites can contribute to the steady and adequate supply of both sand and gravel and crushed rock. It is anticipated that this document will be superseded in September 2021 by a new Joint LAA which will be based on information from the National Aggregates Survey 2019 and for 2020 from both the Council's own survey of operators and the forthcoming Northeast Aggregates Working Party Annual Aggregates Monitoring Report for 2020.

## **Supporting Documents and Assessments Undertaken**

- 1.16. This consultation is directly supported by:

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<sup>9</sup> Addendum to 2012 Study Waste Arisings and Waste Management Capacity Model can be downloaded here: <https://durhamcc-consult.objective.co.uk/kse/folder/52317>

<sup>10</sup> The Council's key mineral evidence can be downloaded here: <https://durhamcc-consult.objective.co.uk/kse/folder/52317>

<sup>11</sup> Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (2018 Reserves and Sales), April 2021.

- **County Durham M&WDPD Assessments of potential Minerals and Waste sites in County Durham – submitted in response to a call for sites 2021 (June 2021)** – This document appraises the sites proposed by the minerals and waste industry which were submitted as allocations following the call for sites which was undertaken between January and February 2021.
  - **County Durham M&WDPD Statement of Consultation in relation to Regulation 18 Statement - Notice of Intention to Prepare a Local Plan**
    - This document provides a summary of the comments submitted and the Council's response.
- 1.17. The M&WDPD has also been subject to several assessments including a Sustainability Appraisal, Habitats Regulation Assessment and an Equality Impact Assessment. A rural proofing and a Health Impact Assessment was also undertaken during the preparation of the County Durham Plan which includes the strategic policies of the County Durham Plan which the policies within the M&WDPD seeks to complement.
1. **Sustainability Appraisal** (SA) is a statutory process integrated into the preparation of all aspects of DPDs. The process assesses the potential impacts of policies and allocations against a range of economic, social, and environmental considerations and includes the requirements of Strategic Environmental Assessment legislation. The SA advises on ways in which any adverse effects can be avoided, reduced or mitigated or how any positive effects could be maximised. This helps to shape the DPD and ensure that it is promoting sustainable development.
  2. **Habitat Regulations Assessment** (HRA) is integral to the development of land use plans such as the M&WDPD as it provides a statutory process to assess the potential impact on Natura 2000 sites. Natura 2000 sites are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within Europe. These include Special Protection Areas (SPAs) designated under the EU 'Wild Birds' Directive, Special Areas of Conservation (SACs) designated under the EU 'Habitats Directive', and European Marine Sites (EMS). As the Habitats Directive applies the precautionary principle, plans can only be adopted if no adverse impact on the integrity of site(s) in question is proven. To ascertain this, a Screening Assessment, followed by an Appropriate Assessment, where necessary, must be undertaken.

3. Undertaking an **Equality Impact Assessment** (EQIA) allows us to assess any risk of discrimination before introducing new policies. Sometimes certain groups, such as Gypsies and Travellers or older people, will be treated differently to ensure that they are not unfairly impacted. An EQIA has been undertaken.
- 1.18. You can give us your view on the M&WPD HRA Screening Assessment, M&WDPD Sustainability Appraisal and the other assessments we have prepared using the methods set out in the 'How I get involved?' section of this document below.

### **Other relevant documents**

- 1.19. **Statement of Community Involvement** (SCI) – the Council published a revised SCI in 2019. This document sets out the Council's approach for involving local communities and other stakeholders in the planning process including the preparation of planning documents which form the statutory development plan including development plan documents such as the County Durham Plan and the M&WDPD and Supplementary Planning Documents. In addition, it sets out the Council's approach for involving local communities in the determination of planning applications.
- 1.20. **Annual Monitoring Report** (AMR) – every year the Council prepares a monitoring report on its plan making activities. Amongst other matters the AMR monitors minerals and waste matters. The last AMR was published in early 2021 and provides updated information on waste management in 2019 and on minerals including aggregates for 2018.

### **Next Steps**

- 1.21. The timetable for the M&WDPD is set out within our **Local Development Scheme**.

### **How Do I Get Involved?**

- 1.22. Consultation on the draft plan begins on **24 September**. All comments should be submitted to us by 4.30pm, **5 November 2021**. Comments can be submitted on our consultation portal: <https://consult-durhamcc.objective.co.uk/kse> or sent via email to

**spatialpolicy@durham.gov.uk** or by post to the Spatial Policy Team using our freepost address, which is **Freepost Spatial Policy**. No further information is required for the address.

- 1.23. On request a Microsoft Word response form is also available. You can also telephone the Spatial Policy Team with any questions, to request hard copies of the documentation or to request further information on tel: 03000 263 403.
- 1.24. A summary of all representations on the will be published in a Statement of Consultation, but apart from the name of the sender and company/organisation (if relevant) no other personal information will be publicly available. The Council will share details in line with the Spatial Policy Privacy Notice and when required to do so by law and/or statutory regulations in producing the development plan and planning policy documents. Any information and personal data will be retained securely and in line with Durham County Council's retention guidelines.

## Chapter 2 - Overview of Minerals and Waste in County Durham

- 2.1 County Durham has a rich history of mining and mineral extraction and possesses a range of mineral resources, some of which are of local and national importance.
- 2.2 The minerals worked from County Durham's many quarries contribute to the local economy including through employment and as essential raw materials. Without many of the minerals worked today from County Durham's quarries including crushed rock (magnesian limestone, carboniferous limestone and dolerite), sand and gravel, natural building and roofing stone and brick making raw materials the building and construction industry would not be able to build and maintain the roads, homes, shops, offices, factories, hospitals, schools, flood and coastal defences that society requires.
- 2.3 Limestone from County Durham's quarries is also used in large quantities in agriculture to improve the productivity of soil. County Durham also contains important reserves and resources of industrial limestone which is a nationally scarce mineral resource and has in the past been an essential requirement for a range of industrial operations including steel production and glass manufacture.
- 2.4 Coal has also been extensively mined from within County Durham including for use in electricity generation. While in recent years the national requirements for and the use of coal has significantly declined interest remains for further extraction for other purposes.
- 2.5 A wide range of other minerals have also been worked from within County Durham in the recent past including a range of vein minerals such as barytes and fluorspar and silica sand suitable for industrial purposes.
- 2.6 Whether commercially exploitable reserves of oil and gas exist in County Durham is unknown and whether some of these resources will be called upon to serve a future role is currently unknown at present. It is also understood that there is interest in Lithium from within the County which can be used as a component of batteries used in electric vehicles.
- 2.7 County Durham is the largest producer of aggregates in the Northeast of England and has supply relationships with surrounding areas of the Northeast. Crushed rock and sand and gravel working is the biggest extractive industry in the County today. In 2018, the last year for which information is currently available, approximately 3,484,000 tonnes of crushed rock and 446,000 tonnes of sand and gravel were won from County Durham's hard rock and

sand and gravel quarries. Other minerals won included sufficient brick making raw materials to supply two of the regions three remaining brick works and quantities of building stone and coal from two of the remaining surface coal mining sites in the region.

- 2.8 County Durham contains a network of waste management facilities including facilities such as household waste recycling facilities, materials recycling facilities, waste transfer stations, end of life vehicle facilities and a number of large landfill sites. Together these facilities manage a range of inert, non-hazardous and small quantities of hazardous waste generated from both within and outside County Durham.
- 2.9 In 2019, the last year for which information is currently available, County Durham's existing waste management facilities receive approximately 1.8 million tonnes of waste. Lying close to both Tyne and Wear and the Tees Valley, County Durham's waste management sites form part of a well-connected waste market with large volumes of waste crossing local authority boundaries. For many years waste disposal by landfill has by far the dominant form of waste management in County Durham. While reliance on landfill for the disposal of non-hazardous waste has been significantly reduced over the last twenty years, significant volumes of inert waste, a proportion of which is from adjoining areas, which cannot be otherwise recycled does still need to be disposed of using landfill.

## Chapter 3 - An overview of the issues addressed by the draft M&WDPD

- 3.1. Prior to an overview of the issues which will be addressed by the M&WDPD, it should be reiterated that the M&WDPD is not intended to be a standalone Minerals and Waste Local Plan. The M&WDPD is intended to complement the policies of the County Durham Plan. The M&WDPD will not supply a specific vision or objectives for minerals and waste development in County Durham but rather use those of the County Durham Plan which is replicated within this document but is not subject to consultation (see Chapter 4). However, six non-strategic objectives relating to the role of the M&WDPD have been proposed for consultation and these are set out in Chapter 4).
- 3.2. The M&WDPD will not replace any policy within the County Durham Plan. The County Durham Plan contains many policies which will continue to apply to all future planning applications for minerals and waste development and will need to be read alongside the policies and provisions of the M&WDPD.
- 3.3. The County Durham Plan also contains a number of other environmental policies which will also be applicable to determining future minerals and waste planning applications. For example, the County Durham Plan contains policies regarding the North Pennines Area of Outstanding Natural Beauty, landscape, biodiversity and geodiversity including internationally designated sites, protected species and nationally and locally protected sites, trees, hedges and woodlands and cultural heritage including the County's historic environment. Where necessary the M&WPD will seek to add minerals, waste specific value, and provide clarity on the policy framework which will be used to determine minerals and waste planning applications.

### Options

- 3.4. The Council has taken the decision to move from the initial Regulation 18 Statement direct to the draft plan stage due the nature of the M&WDPD which is to provide detailed development management policies and where it is possible to do allocate sites for further mineral working or waste development. Strategic options for minerals and waste development were considered by the County Durham Plan. In addition, the M&WDPD has been subject to Sustainability Appraisal which considers reasonable alternatives to each of the development management policies and site allocations.

## **Climate Change**

- 3.6. International, national, and local policy is clear, man-made climate change must be addressed to avoid the significant adverse impacts that would otherwise occur through a warming world. The United Kingdom is currently on a pathway to net zero carbon emissions by 2050. At a local scale the Council has declared a Climate Change Emergency and set targets in line with government aspirations.
- 3.7. The planning system plays a role in the United Kingdom's response to climate change and the draft M&WDPD needs to be consistent with the requirements of the National Planning Policy Framework (NPPF) which requires that the planning system should meet the challenge of climate change and support the transition to a low carbon future in a changing climate. However, it also requires that there be a sufficient supply of minerals to meet society's needs and that planning policies should provide for the extraction of mineral resources of local and national importance. Draft policies have been prepared reflecting these requirements.
- 3.8. The restoration and after use of mineral sites can provide a mechanism through which some climate change adaptation and mitigation measure can be achieved. Net gains to biodiversity can be delivered through the restoration and after use of mineral sites, thereby assisting in the implementation of nature recovery networks. Woodland planting can also make a small contribution to carbon capture. Where sand and gravel working occurs in flood plains, sites can be restored to assist in flood alleviation by providing for flood water storage capacity and the improved conveyance of flood water.
- 3.9. Technological development in how minerals and waste are transported can also play a role by using low or zero emission vehicles, although this is subject to technological development and other standards which fall outside of the planning system. Potentially minerals can also be transported for part of their journey to market by rail where there are railway lines nearby with available capacity. However, most minerals products are transported relatively short distances to market.

## **Planning application process - Preparing applications for Minerals and Waste Development**

- 3.10. We encourage all potential applicants to discuss their proposals with us before submitting their planning application through the Council's Pre-

application Advice Service especially for large-scale minerals and waste development and applications in environmentally sensitive locations. Details of the pre-application service are available to view on the Council's website<sup>12</sup>.

- 3.11. A central part of the decision-making process is the consideration of potential impacts arising from minerals and waste development. Accordingly, applicants should complete necessary impact assessments, provide an analysis of their findings, and then report upon potential means of avoiding impacts or deliverable mitigation measures. All relevant information should be provided alongside the submission of a planning application.

### **Pre-application community engagement on minerals and waste planning applications**

- 3.12. Some minerals and waste developments have the potential to give rise to significant effects on a local area/or may be of interest or concern to the local community in the area that they are proposed.
- 3.13. We encourage applicants for minerals and waste development to discuss with the Council whether pre-application community engagement during the preparation of their planning application and ahead of the submission of a planning application is necessary. Upon request we will discuss the need and scope of any required community engagement exercise with the prospective developer. This will ensure that the views of all stakeholders, including statutory organisations, Town and Parish Councils, neighbourhood forums, Area Action Partnerships, residents' associations and other local interested parties are sought at an early stage to ensure their views are known.
- 3.14. This approach is supported by the Council's Statement of Community Involvement (2019) which offers specific advice on how to undertake pre-application engagement. It is considered good practice that when pre-application engagement has been undertaken an applicant will submit a consultation statement with the planning application setting out what community engagement which has been undertaken.

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<sup>12</sup> Planning advice and enquiries - Durham County Council

## Chapter 4 - Vision, and Objectives

- 4.1. An overarching vision for County Durham was provided within the adopted County Durham Plan (CDP). As the M&WDPD is a subsidiary document to the CDP it is neither appropriate nor necessary for it to have a separate vision. The vision of the County Durham Plan is set out below but is not part of this consultation. The specific role of minerals and waste, in meeting the vision, can be seen below.

### **County Durham Plan**

#### **Strategic Objectives related to Minerals and Waste**

**Objective 20 Supply of Minerals** - Meet society's needs and ensure a steady and adequate supply of both energy and non-energy minerals, in accordance with the principles of sustainable development; while also protecting the environment, amenity and health of local communities; ensuring the early and high-quality restoration and aftercare of mineral sites; and the safeguarding economically important mineral resources, mineral sites and minerals related infrastructure from incompatible development.

**Objective 21: Waste Management** - Support the development of a network of modern waste management facilities which help ensure that society's waste arisings are managed in accordance with the principles of the waste hierarchy; which facilitate re-use, recycling, composting and recovery of value from waste and enabling the disposal of waste as the last resort; while also protecting the environment, the amenity and health of local communities; and existing and proposed facilities from incompatible development.

- 4.2. Objectives for the Supply of Minerals and Waste Management in County Durham were also provided within the CDP, similarly, these are not being amended by the M&WDPD. Objectives 21 and 22 specifically related to minerals and waste and are set out below. These objectives are also not part of this consultation. The CDP also contained nineteen other objectives many of which are also relevant to minerals and waste.

### **County Durham Plan**

#### **Strategic Objectives related to Minerals and Waste**

**Objective 20 Supply of Minerals** - Meet society's needs and ensure a steady and adequate supply of both energy and non-energy minerals, in accordance with the

principles of sustainable development; while also protecting the environment, amenity and health of local communities; ensuring the early and high-quality restoration and aftercare of mineral sites; and the safeguarding economically important mineral resources, mineral sites and minerals related infrastructure from incompatible development.

**Objective 21: Waste Management** - Support the development of a network of modern waste management facilities which help ensure that society's waste arisings are managed in accordance with the principles of the waste hierarchy; which facilitate re-use, recycling, composting and recovery of value from waste and enabling the disposal of waste as the last resort; while also protecting the environment, the amenity and health of local communities; and existing and proposed facilities from incompatible development.

- 4.3. In addition to the objectives in the CDP it is considered necessary to propose a further seven non-strategic objectives that specifically relate to minerals and waste development.

#### **M&WDPD Non-Strategic Objectives**

- 1) High environmental Standards** - To ensure that County Durham's minerals and waste sites operate to high environmental standards by avoiding, reducing or mitigating as far as possible adverse impacts, while also protecting the environment, the amenity and health of local communities.
- 2) Sustainable Transport** - To encourage and facilitate the sustainable transport of minerals and waste and seek to minimise the adverse impact of the traffic and transportation implications of minerals and waste development.
- 3) Other Minerals of Local and National Importance** - To ensure that a policy framework is in place to enable the consideration of planning applications for the working of minerals resources of local and national importance which are not currently worked in County Durham today but whose future working cannot be discounted in the future and to provide certainty to the approach that will be taken to peat reflecting the provisions of the National Planning Policy Framework (NPPF).
- 4) 'Other Recovery' and disposal of Inert Waste** - To ensure that a policy framework is in place to enable the consideration of planning applications for the 'other recovery' and disposal of inert waste.
- 5) Restoration** - To ensure that County Durham's minerals sites and temporary waste management sites are restored at the earliest opportunity and in ways that, wherever possible, enhances the environment and amenity of local communities, achieves high quality restoration and aftercare, contributes to climate change adaptation and mitigation and maximises benefits.

- 6) Community Involvement** - To make sure that local communities have the opportunity to be involved in decisions about new minerals and waste developments by providing information, encouraging wider involvement, and targeting key groups, including hard to reach groups, or individuals where appropriate.
- 7) Allocations** - To consider the allocation of non-strategic minerals and waste sites and to consider additional land for mineral working to meet the requirements of the Council's current Local Aggregate Assessment and the identified waste capacity gap.

## Chapter 5 - Minerals and Waste Development Management Policies

- 5.1. The planning system established under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section (70(2) of the Town and Country Planning Act 1990 requires that planning applications must be determined in accordance with the statutory development plan unless other material considerations indicate otherwise. This requirement is reaffirmed in paragraph 2 of the revised National Planning Policy Framework (NPPF). Mineral and waste developments within the county requiring planning permission must, therefore, be determined in accordance with the policies contained within the County Durham Plan and once adopted the M&WDPD unless material considerations indicate otherwise. In addition, while generally not relevant to minerals and waste development regard must be had to any designations and allocations with Neighbourhood Plans.
- 5.2. The NPPF makes it clear that the purpose of the planning system and local plans is to contribute to the achievement of sustainable development. The M&WDPD in association with the County Durham Plan, when read as a whole, seeks to deliver sustainable development as a means of growing the county's economy, supporting the wellbeing of communities across the county and protecting and enhancing the environment.

### **Policy MW1 General criteria for considering minerals and waste development**

Proposals for minerals and waste development will be required to demonstrate that the proposal will not result in unacceptable adverse impacts on:

- Human health, the amenity of local communities and other sensitive receptors;
- The operation of existing businesses;
- Landscape, character and quality;
- Biodiversity and geodiversity;
- Cultural, heritage and archaeological sites and features;
- Best and most versatile agricultural land and soils;
- Traffic, transport and public rights of way;
- Surface, groundwater, mine water, water abstraction and flood risk;
- The efficient use of resources and their conservation;
- County Durham's ability to transition to a net zero carbon future and adapt to climate change;
- Land stability; and
- Aviation safety.

When determining relevant planning applications, the Council will ensure that developers consider both the potential individual and cumulative impacts of development.

Where appropriate, separation distances should be put in place between minerals and waste developments and occupied residential properties or other sensitive receptors.

- 5.3. All minerals and waste related development proposals will be assessed against this policy. It is acknowledged that not all elements will be relevant for every development, however applicants must consider the relevance of all criteria to their proposal as they may be asked to justify why they consider a specific element is not relevant. This policy will be applied in conjunction with relevant policies in this DPD and the County Durham Plan, and is complemented by advice and guidance contained in the Government's National Planning Policy Framework (NPPF), National Planning Practice Guidance (PPG) and Environment Agency (EA) guidance. These considerations are also in line with the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 5.4. Considerations, identified in the below table 1, should include but are not limited to:

Table 1: Considerations in accordance with policies

	Consideration	In accordance with the following polices
1	Noise	CDP Policy 13 (Amenity and Pollution) MW Policy 4 (Noise) MW Policy 7 (Traffic and Transport)
2	Dust	CDP Policy 13 (Amenity and Pollution) MW Policy 5 (Dust)
3	Visual intrusion	CDP Policy 13 (Amenity and Pollution) MW Policy 7 (Traffic and Transport) MW Policy 10 (Onsite mineral processing)
4	Light pollution	CDP Policy 13 (Amenity and Pollution)
5	Air quality	CDP Policy 13 (Amenity and Pollution) MW Policy 5 (Dust)
6	Water Management and Water Quality	CDP Policy 35 (Water Management) CDP Policy 36 (Water Infrastructure) MW Policy 21 (Water Resources)
7	Odour	CDP Policy 13 (Amenity and Pollution)

8	Vermin	Defined below in Human Health and Amenity.
9	Birds	CDP Policy 28 (Safeguarded Areas) CDP Policy 35 (Water Management) MW Policy 21 (Water Resources)
10	Litter	Defined below in Human Health and Amenity.
11	Mud on the public highway	MW Policy 5 (Dust) MW Policy 7 (Traffic and Transport)
12	Vibration	CDP Policy 13 (Amenity and Pollution) MW Policy 6 (Blasting)
13	Surface and ground contamination	CDP Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) CDP Policy 35 (Water Management) MW Policy 2 (Mineral exploration) MW Policy 21 (Water Resources)
14	Tip and quarry slope stability	Defined below in Land Stability CDP Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) MW Policy 22 (Mineral Site Restoration, Landfill and Landraise)
15	Differential settlement of quarry backfill and landfill	Defined below in Land Stability CDP Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) MW policy 22 (Mineral Site Restoration, Landfill and Landraise)
16	Subsidence	CDP Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)
17	Climate change – mitigation and adaption	Defined in Chapter 3 of the M&WD PD and the 'Meeting the challenge of climate change, flooding and coastal change' of the CDP. MW Policy 3 (Benefits of Minerals Extraction) MW Policy 10 (Onsite mineral processing) MW Policy 22 (Mineral Site Restoration, Landfill and Landraise)
18	Restoration, after use and after care	CDP (Biodiversity and Geodiversity) MW Policy 22 (Mineral Site Restoration, Landfill and Landraise)

## **Human Health and Amenity**

- 5.5. This policy should be applied in conjunction with relevant County Durham Plan policies<sup>13</sup> and Policy MW4 (Noise), MW5 (Dust) and MW6 (Quarry Blasting).
- 5.6. The main sources of disturbance to local communities are through the visual impact of the development, noise, dust, vibration, odour, mud and the impact of heavy lorry traffic on local roads.
- 5.7. Vermin can include any animal that can cause problems either to neighbouring sensitive receptors or to the operation of sites. Rodents and birds, for example, can cause problems at landfill sites by dragging waste from the site and leaving excrement which can become a health hazard. Minimising the amount of exposed waste being worked or introducing other pest control measures can reduce the undisturbed feeding areas for vermin and help to control numbers.
- 5.8. Litter consists of any waste products that have been discarded incorrectly and can be created by any operational minerals or waste site, However, it can be a particular issue in proximity to waste sites, as waste can be blown by the wind, dropped from delivery vehicles or dragged by vermin from the site. Sites can also attract illegal fly tipping. Measures can be put in place to minimise impacts and should be detailed within site management plans.

## **Separation Distances**

- 5.9. In order to minimise unacceptable adverse impacts, separation distances between the proposed development and occupied residential dwellings and other sensitive receptors (such as schools) or existing businesses (such as animal welfare or manufacturing processes ), which could be impacted by air quality, noise or vibration, may be required.
- 5.10. In line with the Minerals PPG<sup>14</sup> and paragraph 5 of the National Planning Policy for Waste, separation distances should be determined on a site-specific basis and should be effective, properly justified, and reasonable. When

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<sup>13</sup> Policy 31 (Amenity and Pollution), Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land), Policy 36 (Water Infrastructure), Policy 47 (Sustainable Minerals and Waste Resource Management), policy 51 (Meeting Future Aggregates Requirements), Policy 52 (Brick Making Raw Materials), Policy 53 (Surfaced Mine Coal and Fireclay), Policy 54 (Natural Building and Roofing Stone), Policy 56 (Safeguarding Mineral Resources), Policy 57 (The Conservation and Use of High Grade Dolomite), Policy 58 (Preferred Areas for Future Carboniferous Limestone Extraction), Policy 59 (Strategic Area of Search to the South of Todhills Brickworks), Policy 61 (Location of New Waste Facilities).

<sup>14</sup> Paragraph: 018 Reference ID: 27-018-20140306 Revision date: 06 03 2014

determining appropriate separation distances account should be taken of the nature of the activity, location and topography, the characteristics of the various environmental effects likely to arise and the various mitigation measures that can be applied. In the case of minerals extraction, weight will also be given to the need to avoid undue sterilisation of mineral resources in decision making.

### **Landscape designations, character and quality**

- 5.11. This policy should be applied in conjunction with relevant County Durham Plan policies<sup>15</sup>.
- 5.12. Applicants will be required to demonstrate that the proposed development does not cause unacceptable adverse impacts on landscape character and quality and that it can be effectively and appropriately integrated with its surroundings and character of the local and wider landscape during both the operational and restoration phases of the development.
- 5.13. Due to the nature and scale of minerals development in particular, the cumulative impact of development has been demonstrated to be an important issue in the County, particularly in sensitive areas such as the Magnesium Limestone Escarpment.
- 5.14. In assessing the effect of proposals on an area, it is necessary to take into account the overall level of environmental impact, including the effects of successive operations, irrespective of the number of sites involved. This will include, where appropriate, consideration of the potential impact from sites with planning permission but where extraction, has not started or is currently suspended and current planning applications for mineral development (but not prospective sites for which no planning application has been made).
- 5.15. The assessment will need to take into account the character of the landscape, of the site's setting, the effects of other operations upon it, including the degree of maturity of any restored sites, and the extent to which it can accommodate the changes proposed. The definition of a site's setting will vary according to the character of the landscape but will generally reflect the scale of the local topography.
- 5.16. In assessing the cumulative impact of proposals on local communities the extent of the area will reflect the scale, duration and particular impacts of both the proposal and other workings on the communities affected jointly by them. This will be determined by such factors as the scale of the landscape, settlement and communications patterns in the area, and the scale and setting of the site. It may also be necessary on occasion to consider the cumulative

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<sup>15</sup> CDP Policy 37 (Durham Heritage Coast), CDP Policy 38 (North Pennines Area of Outstanding Natural Beauty) and CDP Policy 39 (Landscape).

impact of other non-mineral and non-waste development where mineral extraction or waste disposal would add to their existing adverse impacts.

- 5.17. The time period over which cumulative impacts are considered will depend upon the particular circumstances of individual proposals. The key test will be whether the disturbance caused by previous working remains a material consideration in terms of an area's amenity, landscape and ecological value and its overall attractiveness.

## **Biodiversity and geodiversity**

- 5.18. This policy should be applied in conjunction with relevant County Durham Plan policies<sup>16</sup> and Policy MW20 (Non Hazardous Landfill), MW21 (Water Resources), MW22 (Mineral Site Restoration, Landfill and Landraise), MW23 (Site specific allocations at Thrislington West Quarry) and MW24 (Site specific allocation Northern Extension to Crime Rigg Quarry).
- 5.19. Applicants will be required to demonstrate that the proposal is acceptable in relation to both biodiversity and geodiversity and specifically the County's network of internationally, nationally and locally designated sites, priority habitats and protected and priority species. Applicants will also be required to demonstrate that their proposal will deliver a net gain for biodiversity (Biodiversity Net Gain (BNG)) through the creation of priority habitats and by contributing to the creation of coherent and resilient ecological networks.
- 5.20. County Durham has a large number of internationally, nationally, and locally designated sites, which require special protection. For minerals extraction, noise from blasting and the day-to-day operations of the site can cause disturbance to wildlife and changes in the water table can affect natural drainage patterns or areas of wetland and in the case of waste development there is a risk of pollution from leachate.
- 5.21. However, due to the nature and scale of minerals and waste developments there is also an opportunity to add real value to the County's ecologic networks and provide significant biodiversity net gains through the restoration, after use and after care of sites.

## **Cultural, heritage and archaeological sites and features**

- 5.22. This policy should be applied in conjunction with County Durham Plan Policy 44 (Historic Environment) and Historic England's Mineral Extraction and Archaeology advice note<sup>17</sup>. Due to the scale of minerals and waste

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<sup>16</sup> Policy 40 (Trees, Woodlands and Hedges), Policy 41 (Biodiversity and Geodiversity), Policy 42 (Internationally Designated Sites), Policy 43 (Protected Species and Nationally and Locally Protected Sites)

<sup>17</sup> <https://historicengland.org.uk/images-books/publications/mineral-extraction-and-archaeology-advice-note-13/heag278-mineral-extraction-and-archaeology/>

developments it is acknowledged that they can be significantly more destructive to the setting of heritage assets and archaeological remains than other types of development. Quarries for example can remove almost all the deposits of archaeological interest within their (often very large) footprint; and they can also impact on surrounding archaeology, beyond the site itself, through dewatering and changes in water flow patterns.

- 5.23. That said, in the work to mitigate harm to heritage assets and assets of archaeological interest, provides a range of opportunities to deliver new knowledge about our historic environment, in particular wide-scale information (landscape archaeology) and Palaeolithic evidence about the distant past.
- 5.24. Applicants will be required to demonstrate that the proposals will not have unacceptable adverse impacts on cultural and heritage assets and the contribution made by their setting.

### **Best and most versatile agricultural land and soils**

- 5.25. This policy should be applied in conjunction with County Durham Plan Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources) and Policy MW22 (Mineral Site Restoration, Landfill and Landraise).
- 5.26. Minerals development and some forms of waste development can pose a risk to the quality and quantity of soil resources. Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources) of the County Durham Plan provides the overarching policy for considering proposals for minerals and waste development which could affect Best and Most Versatile (BMV) agricultural land and soil resources. In relation to mineral working the policy requires that all proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. Where possible, the Council will seek to resist mineral working on high quality agricultural land, where land of lower quality is available. However, if there is a proven national need for the mineral this may be sufficient to override the need to safeguard the agricultural land.
- 5.27. In order to ensure that soil resources are conserved and managed, sufficient information should be submitted with a planning application to allow this issue to be properly considered. The detail of what will need to be submitted will depend on the nature of the minerals and waste development and will be determined on a case-by-case basis. As a minimum most mineral working proposals and some waste development such as landraise and landfill proposals will require a comprehensive soil survey and a soil handling and management strategy. Applicants should have regard to established best practice guidance in preparing their planning applications. Additional guidance relating to soils and minerals and waste sites can be found in Guidance for Successful Reclamation of Mineral and Waste sites (Defra, 2004) and the Good practice guide for handling soils (MAFF, 2000).

## **Traffic, transport and public rights of way**

- 5.28. This policy should be applied in conjunction with County Durham Plan Policy 26 (Green Infrastructure) and Policy 21 (Delivering Sustainable Transport) and Policy MW4 (Noise) and Policy MW7 (Traffic and Transport).
- 5.29. One of the main sources of disturbance to local communities is the impact of heavy lorry traffic on local roads. Applicants should demonstrate the acceptability of the proposed development in relationship to traffic and transportation as well as the impacts on the public rights of way and footpath network.
- 5.30. Unmetalled internal haul roads can become very muddy and, unless precautions are taken, quarry traffic can spread mud and debris onto the adjoining public highways. Measures such as wheel cleaning facilities, the metalling of quarry access roads for a reasonable length and sheeting of lorries help to prevent this.
- 5.31. The County's existing public footpaths, Public Rights of Way (PROW), bridleways and cycleways provide important means of getting into and enjoying the countryside. Where proposals will adversely affect existing PROW and the local path network, adequate arrangements will be required for the continued use of PROW both during and after the proposed development, either by means of existing or diverted routes which are safe and convenient and where possible propose opportunities to enhance the existing network.

## **Surface, groundwater, mine water, water abstraction and flood risk**

- 5.32. This policy should be applied in conjunction with County Durham Plan Policy 35 (Water Management) and Policy 36 (Water Infrastructure) and Policy MW21 (Water Resources).
- 5.33. Applicants should demonstrate the acceptability of the proposed development in relation to vulnerable surface and ground water resources, including aquifers, and include measures to prevent contamination and water pollution.
- 5.34. Applicants should also demonstrate that the proposals do not cause unacceptable changes to flood flows or storage capacity and do not increase the risk of flooding elsewhere.
- 5.35.** Where appropriate, hydrological and hydrogeological risk assessments will be required in support of planning applications.

## **The efficient use of resources and their conservation**

- 5.36. This policy should be applied in conjunction with County Durham Plan Policies 47 (Sustainable Minerals and Waste Resource Management), Policy 51 (Meeting Future Aggregate Requirements), Policy 53 (Surface Mined Coal and Fireclay), 56 (Safeguarding Mineral Resources) and Policy 57 (The Conservation and Use of High-Grade Dolomite), Policy 60 Waste Management Provision and Policy 61 (Location of New Waste Facilities).
- 5.37. In order to deliver sustainable development, the CDP and the MWDPD seek to encourage sustainable minerals and waste resource management. This is considered important, as how we deal with waste and use minerals is important for our society's future as it affects the long term availability of raw materials and both the local and wider environment in which we all live.
- 5.38. Minerals are a finite natural resource and can only be worked where they found. In order to support their sustainable management and long term conservation it is essential to make best use of them through:
  - providing for a steady and adequate supply of minerals including aggregates and industrial minerals to provide the infrastructure, buildings, energy and goods that the country needs;
  - encouraging the conservation of minerals through the efficient extraction of minerals and the reduction and productive use of mineral waste;
  - encouraging the concurrent working of minerals where two or more minerals naturally occur;
  - mineral safeguarding in order to ensure economically important minerals of local and national importance remain available for the use of future generations and are conserved in the long term;
  - and encouraging the prior extraction of minerals in advance of sterilising development.
- 5.39. Applicants will be expected to demonstrate how their proposal would meet these requirements and ensure the efficient working and re-using of mineral resources.
- 5.40. The 'National Waste Management Plan for England' (NWMP) was updated on 27th January 2021 and sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and towards a 'zero waste economy' in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort.
- 5.41. The NWMP requires delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy.

- 5.42. Applicants will be expected to demonstrate how their proposal would meet these requirements and secure the re-use, recovery and disposal of waste whilst protecting human health and the environment.

**County Durham's ability to transition to a net zero carbon future and adapt to climate change**

- 5.43. This policy should be applied in conjunction with County Durham Plan Policies Policy 29 (Sustainable Design), Policy 33 (Renewable and Low Carbon Energy) and MW7 (Traffic and Transport), MW14 (Oil & Gas Exploration, Approval and Production), MW17 (Peat), MW20 (Non-Hazardous Landfill), MW21 (Water Resources, MW22 Mineral Site Restoration, Landfill & Landraise).
- 5.44. Chapter 3 of this document sets out the difficult balance between the need to meet Government's 2050 Climate Change targets whilst also requiring a sufficient supply of minerals to meet society's needs. Paragraph 148 of the NPPF requires that the planning system should support the transition to a low carbon future in a changing climate, and that planning policies should provide for the extraction of mineral resources of local and national importance.
- 5.45. The NWMP acknowledges that there will be significant changes in the way we manage our waste including going further to improve recycling rates and ensuring effective waste management can reduce carbon emission from the waste sector, contributing to government's net zero target and a green recovery. The NWMP is targeting energy from waste incinerators to produce heat for heat networks as this substantially reduces their emission by making use of the otherwise wasted heat to displace gas boiler heating. This will support a shift from using high carbon gas generation to lower carbon generation in heat networks.
- 5.46. Applicants will be expected to demonstrate an understanding of the likely greenhouse gas emissions of their proposal together with details of how they intend to mitigate and where necessary, offset any emissions. This will allow the Council to determine the likely impacts of the proposal on climate change targets, both positively and negatively.

**Land stability**

- 5.47. This policy should be applied in conjunction with CDP Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land), MW6 (Quarry Blasting), MW9 (Borrow Pits), MW16 (Vein Minerals, Lithium, Silica Sand/Moulding Sand and Ganister), MW19 (Inert waste disposal via landfill), MW20 (Non-Hazardous Waste landfill) and MW22 (Mineral Site Restoration, Landfill and Landraise).

- 5.48. Minerals and waste developments can give rise to land instability if proposals are not properly planned and implemented. The issue needs to be considered and satisfactorily addressed when planning applications are determined.
- 5.49. Applicants should demonstrate that the operation and restoration of sites will not cause ground or land instability and that quarry, landfill and landraise slopes are designed and maintained to be safe and stable in the long term. Where there is the possibility of land instability, applications for minerals and waste development should be accompanied by a stability report. Such a report should assess the physical capability of the land, potential for differential settlement and/or subsidence, possible adverse impacts of any instability, possible adverse impacts on adjacent land, possible impacts on local amenity and conservation interests and any proposed remedial or precautionary measures.

### **Aviation safety**

- 5.50. This policy should be applied in conjunction with County Durham Plan Policy 28 (Safeguarded Areas) and Policy MW22 (Mineral Site Restoration, Landfill and Landraise).
- 5.51. The inclusion of settling ponds, wetland restoration schemes and land fill proposals are all likely to attract birds. Whilst these can be seen as a benefit for wildlife conservation, aviation safety should not be compromised through the introduction of new bird strike hazards. Consultation should occur with aerodrome operators on proposed developments likely to attract birds, within the safeguarded areas identified in County Durham Plan Policy 28 (Safeguarded Areas).

### **Policy MW2 - Mineral Exploration**

Temporary planning permissions will be granted for exploration to identify mineral resources, without prejudice to the consideration of subsequent planning applications for mineral extraction, provided that the exploration conforms with other relevant policies of the County Durham Plan and Minerals and Waste Policies and Allocations document and subject to satisfactory safeguards to ensure that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.

- 5.52. Although the basic geology of the County Durham is generally known, mineral exploration will be necessary to refine knowledge about the precise extent of mineral resources and to prove that resources exist in sufficient concentration and quality to be worked.

5.53. Most mineral exploration activities are of relatively short duration and have a limited environmental impact and some is classed as permitted development under the General Permitted Development Order<sup>18</sup>. However, where the proposed mineral exploration is not classed as ‘permitted’ and planning permission is sought, it is important for safeguards to be in place to minimise the environmental, amenity and long-term impacts of the development. Where planning permission is required, applications will be considered on the impacts of the exploration activity itself, rather than on the possible merits of any future proposal to exploit the mineral. There are three main methods of mineral exploration:

1. **Geophysical surveys**, of which the most common type are seismic surveys. Whilst these surveys can provide useful information about the underlying geological structure, they do not prove the existence of mineral resources. Most seismic surveys have little environmental impact, however, noise and vibration can raise concerns when carried out in sensitive areas;
2. **Trial pits** and shallow boreholes are methods of surface mineral exploration which aim to collect information on the depth, extent and quality of the mineral, the composition of overburden and hydrological data. The pits and shallow boreholes are backfilled and reinstated after the information is collected. The main issue is the impact they may have on archaeology, although these pits can provide an opportunity to obtain information on the site’s archaeology at an early stage: and
3. **Boreholes**, although not often used in County Durham, are used in the exploration of oil and gas or for proposals for lithium which can be dissolved in deep groundwaters. A drilling rig together with associated equipment would be required to conduct this exploration activity. The environmental implications of deep borehole drilling are therefore more significant than the other exploration methods listed above. The main considerations associated with deep boreholes include visual impact, noise, access to land and water pollution. For all such proposals it will be necessary that drilling rigs, well sites and all other associated facilities and infrastructure associated with exploration and appraisal are sited in the least sensitive location from which the target reservoir can be accessed, and that exploration and appraisal operations are agreed for a temporary period and that a comprehensive restoration strategy is agreed, together with a scheme of after-use and aftercare.

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<sup>18</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 - Class J – temporary use of land etc for mineral exploration.

- 5.54. The drilling of boreholes for petroleum exploration is not permitted development. Detailed guidance on oil and gas are set out in Chapter 6. Due to the potential duration and specific requirements of national policy any proposal for the exploration of oil or gas would be determined in accordance with Policy MW14 (Oil and Gas Exploration, Appraisal and Production).

#### **Policy MW3 - Benefits of Minerals Extraction**

In determining planning applications for minerals extraction, including extensions of time to existing sites to allow full recovery of permitted reserves, great weight will be given to the benefits of mineral extraction<sup>19</sup>.

- 5.55. The National Planning Policy Framework (NPPF) makes it clear that local planning authorities should give ‘great weight’ to the benefits of minerals extraction, including to the economy<sup>20</sup>. For the Council to give great weight to the benefits of mineral extraction the applicant will need to demonstrate that they relate directly to the proposed development and sufficient evidence will need to be provided to enable the Council to assess the nature and significance of the benefits.
- 5.56. The economic, environmental, and local and community benefits of a proposal can all be important parts of the justification underlying any proposal.
- 5.57. **Economic benefits** can potentially be realised at several scales depending upon the importance of the mineral to be worked and the scale of the proposed working and markets served. Mineral working is essential to the economy and proposals will contribute to the steady and adequate supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs. Proposals for new or extended mineral workings can have the benefit of creating new jobs both directly or indirectly or help safeguard existing jobs and can result in new training opportunities. Such proposals will also result in wages and other money being spent in the local economy including business rates. The prior extraction of minerals in advance of non-minerals development, whilst avoiding sterilisation can also result in reduced costs or an additional income stream for the developer.
- 5.58. **Environmental benefits** of minerals extraction are wide ranging and will include but are not limited to benefits to the environment through the

<sup>19</sup> In accordance with paragraph 204 of the National Planning Policy Framework great weight will be given to the benefits of mineral extraction except where the proposal applies to surface mined coal working.

<sup>20</sup> In accordance with NPPF paragraph 204 great weight will not be afforded to the benefits of surface mined coal extraction and whose benefits are referred to by the NPPF as national, local and community benefits.

restoration and after-use of a mineral sites. In this regard over the plan period particular value will be placed upon benefits which help mitigate and adapt to climate change. Environmental benefits will also include:

- a) The enhancement or creation of features of biodiversity importance contributing to the delivery of nature recovery networks and the County Durham Biodiversity Action Plan;
  - b) The creation of features of geodiversity interest contributing to the delivery of the County Durham Geodiversity Action Plan;
  - c) Improvements to landscape character contributing to the delivery of County Durham Landscape Strategy;
  - d) The creation of flood storage areas where sand and gravel has been extracted in the floodplain next to rivers; or
  - e) The provision of other forms of green infrastructure such as public open space, community woodlands and other recreational facilities.
- 5.59. Other environmental benefits could include the comprehensive reclamation of areas of derelict or contaminated land, or the remediation of coal mining legacy issues.
- 5.60. **Local and community benefits** are those generated by the proposal which will improve the economic and social well-being of the communities affected by the proposed development, for example the creation of new community woodland, an enhanced public rights of way network or recreation facilities within the local area near to a minerals site.
- 5.61. Applicants are encouraged to engage with the Council and undertake pre-application community engagement prior to the submission of planning applications. Through these processes an applicant will be able to discuss the nature and significance of the potential benefits that their proposal could provide and how these benefits could be maximised. Applicants are also encouraged to outline the benefits of their proposal within their planning application.

## **Policy MW4 - Noise**

To protect the environment<sup>21</sup> and the amenity of local communities and minimise future complaints the Council will require operators to demonstrate how they propose to minimise, mitigate and whenever possible remove noise emissions at source.

Proposals for mineral extraction will be permitted where the operator can demonstrate that noise levels at specifically identified noise-sensitive properties:

- Will not exceed existing background noise levels at noise sensitive properties, LA90 (1 hour) (free field) by more than 10dB(A) during normal weekday daytime hours (0700 to 1900 hours) to a maximum of 55dB(A) LAeq 1 hour (free field) or as near as practicable;
- In any event will not exceed existing background levels at noise sensitive properties LA90 (1 hour) (free field) during normal weekday evenings (1900 to 2200 hours) by more than 10dB(A) 1 hour (free field) and should not exceed 55dB(A) LAeq, 1 hour (free field); and
- For any operations will not exceed background levels at noise sensitive properties LA90 (1 hour) (free field) to a maximum of 42dB(A) LAeq, 1 hour (free field) during weekday night-time (2200 to 0700 hours).

Temporary noisy short-term activities which exceed existing background noise levels at specified noise sensitive properties during normal weekday daytime hours will be permitted for periods of up to eight weeks in a year only but should not exceed 70dB(A) LAeq 1 hour (free field). To minimise adverse impacts, where such activities are permitted to occur operators will be expected to deliver temporary works at a lower level of noise impact.

Where tonal noise and/or peak and impulsive noise would contribute significantly to total site noise, separate limits may be required independent of the background noise levels.

- 5.62. Noise can have an adverse impact on both the environment and the amenity of local communities. In particular, the National Planning Policy Framework (NPPF) makes it clear that planning policies should be prepared to address both noise limits and noisy short-term activities which, whilst they may otherwise be regarded as unacceptable, they are unavoidable to facilitate minerals extraction. To consider adverse impacts and minimise, mitigate and

<sup>21</sup> To include, but not restricted to, qualifying features of the SPA/Ramsar site as required.

whenever possible remove noise emissions at source a noise impact assessment and noise action plan will be required. The noise impact assessment and noise action plan should be prepared by a competent person and in accordance with best practice. The noise impact assessment will need to consider existing background noise levels, the predicted noise from the proposed development as well as from road traffic associated with the proposed development. It should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding area. The noise impact assessment will also be required to specify the noise-sensitive properties or locations that may be affected, which could include other sensitive environmental receptors. It should also specify the noise reduction practices which are proposed to be used together with the predicted effects of the noise mitigation measures and include proposals for noise monitoring. The noise action plan should include exact locations of noise monitoring points and proposed monitoring frequency for both normal and temporary operations. The locations of noise monitoring points shall be chosen to ensure that the possibility of off-site noise affecting measurements is reduced to a minimum.

- 5.63. Noise limits around minerals sites will vary in accordance with the existing noise climate around the proposed site and the time of day. Wherever possible the Council will seek adherence to the identified noise limits identified but it is recognised that there may be circumstances, where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, in such instances the limit set should be as near that level as practicable. In addition, there may be instances when particularly noisy short-term activities, for example soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps or the construction of new permanent landforms, may exceed noise limits for normal operations. This can be acceptable for temporary periods to attain specific long-term environmental benefits and may be permitted up to eight weeks per year. However, in exceptional circumstances, a higher limit for a very limited period may be agreed to obtain specific environmental benefits. However, operators will be expected to make every effort to deliver any temporary noisy short-term activities at a lower level of noise impact.

## **Policy MW5 – Dust**

Proposals for minerals working and waste development will be permitted where the operator can demonstrate that the dust emissions from the proposed development will not have a demonstrable impact on the environment, local amenity or human health. A Dust Assessment will also be required in line with the five stages as laid out in the PPG: including additional dust controls where necessary.

- 5.64. Minerals and waste developments, particularly proposals for new or extended mineral working and aggregates recycling facilities and waste development such as landfill and landraise, are all developments that will generate dust and may affect local air quality and generate complaints. Where dust emissions are likely to arise, to protect the environment and the amenity of local communities and minimise future complaints, a dust assessment will be required with the exact scope of the assessment being agreed with the Council.
- 5.65. Applicants must first seek to remove and reduce dust emissions at their source. If this is not possible, then the emissions must be controlled. Should neither option be possible, mitigation measures must then be implemented. Planning applications should clearly set out what measures to minimise the potential effects of dust from development sites on sensitive receptors/locations are proposed. If the development is expected to produce PM10 dust, additional measures may need to be put in place if the actual source of emission is within 1000m of any residential property or other sensitive receptor/location (this distance may be revised due to local circumstances).
- 5.66. To minimise and control dust emissions, dust control equipment and dust suppression measures may be required in relation to vehicular movements, excavation operations, mineral, soils and overburden stockpiling arrangements and soils stripping and placement operations. Equipment and measures can include mobile water bowsers to water haul roads and areas used for the loading of minerals and storage mounds during dry and windy weather, the use of dust suppression equipment on all fixed plant and machinery, wheel washers to remove dust and mud from wheeled transport leaving sites which could result on loose materials being deposited on the public highway. It can include also include speed limits on internal haul roads, with plant operating with exhausts upturned. All Heavy Goods Vehicles entering or leaving sites should also be covered suitable to their load to avoid

dust being emitted when transporting loose materials. It can also include the seeding of storage mounds and mounds for soils and overburden. Detailed guidance on dust emissions is set out in the Planning Practice Guide<sup>22</sup>.

### **Policy MW6 - Blasting**

Proposals for mineral working will be permitted where the operator can demonstrate that, where blasting is required, there are no adverse impacts on the environment, and that the ground vibration resulting from blasting will not have an unacceptable adverse impact on people within buildings and buildings and structures. Ground vibration affecting people when measured at monitoring locations should not normally exceed peak particle velocities of 6 mm/second unless geological and/or geographical circumstances require a higher level to be agreed. Applications for mineral working should be accompanied by a blasting and vibration monitoring scheme.

- 5.67. Within County Durham vibration linked to quarry blasting operations is largely related to the County's hard rock quarries, where crushed rock aggregate is produced. Blasting can result in several effects which include ground vibration, air overpressure and projected rock particles with impacts being dependent on a variety of factors including the scale of charge, geology and faulting, surrounding topography, atmospheric conditions and the distance to nearby sensitive receptors.
- 5.68. In order to control the impacts of blasting limits will be imposed on the timing of blasts and ground vibration levels measured by peak particle velocity (PPV) at vibration sensitive properties. A key consideration within County Durham is the accumulative impact of blasting within an area and the nature of the geology. In certain parts of the County including upon the Magnesian Limestone Escarpment where a number of quarries are in close proximity to one another and also near to populated areas lower limits will generally be required. Similarly, due to geological characteristics, some rock types which are softer are considered easier to blast than others, therefore lower limits may be more appropriate than where the rock is harder. Operators who undertake blasting will be required to seek to minimise adverse effects to acceptable levels. An assessment of likely significant effect (LSE) on qualifying features of the SPA/Ramsar will be required when proposals that require blasting are sited either within a SPA/Ramsar site, or within the precautionary functional land buffer, as identified within the HRA of the M&WDPD and CDP.

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<sup>22</sup> <https://www.gov.uk/guidance/minerals#Assessing-environmental-impacts-from-minerals-extraction>

- 5.69. The British Standards Institution (BSI) has produced two standards that relate to blast-induced vibration, one relates to the impact on buildings and structures<sup>23</sup>, and the other to the impact on people within buildings<sup>24</sup>. The BSI standard sets out a 'satisfactory magnitude' of 6 to 10mm/second peak particle velocity with respect to people and for buildings. Generally, most limits within the County have been set at a lower end of this scale and it is normal practice to require more than 95% of blasts to be below a defined limit set by condition. Where applicable applications for mineral working should be accompanied by a blasting and vibration monitoring scheme which will identify the mitigation measures to be implemented during blasting operations, the details of the proposed monitoring frequency and a plan showing the monitoring locations. This should be accompanied by details of the siting of warning flags and notice boards and procedures for informing occupiers of adjacent residential properties of blasting procedures.
- 5.70. Test blasting associated with mineral exploration is permissible in certain circumstances set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (Class K Use of land etc. for mineral exploration).

#### **Policy MW7 – Traffic and Transport**

The transport implications of all proposed minerals or waste development which will generate significant amounts of vehicular movement must be assessed as part of any planning application through a transport assessment or transport statement.

The transport of minerals and waste should be by sustainable modes such as by rail and low or zero emission vehicles, unless this is demonstrably not possible or unviable. Where the movement of minerals by rail is feasible as part of new or extended mineral workings, applicants will be required to consider such movements from both existing and new rail handling facilities. Proposals for the establishment of new mineral rail handling facilities will be considered in accordance with Policy MW8 (Mineral Rail Handling Facilities). Measures which minimise greenhouse gas emissions will be considered a benefit under Policy MW3 (Benefits of Minerals Extraction).

In determining planning applications, proposals will be permitted where it can be demonstrated that:

- a) They provide safe and suitable access for all employees and visitors which optimises the use of public transport, walking and cycling; and

<sup>23</sup> BS 6472-2:2008: Guide to evaluation of human exposure to vibration in buildings. Blast-induced vibration.

<sup>24</sup> BS 6472-1:2008: Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting.

- b) Vehicular traffic generated by the proposed development does not have an unacceptable adverse impact on highway safety or the strategic, primary or local road network (in terms of capacity and congestion). Any highways impact resulting from the development should be avoided or mitigated to acceptable levels.

In granting planning permission, planning conditions will be imposed, and planning obligations or other legal agreements sought, to cover the following matters, insofar as they fairly and reasonably relate to the proposed development:

1. The routeing of traffic to and from the site to County Durham Freight Network roads;
2. Highway improvements or maintenance;
3. The prevention of the transfer of mud and dirt onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads, the sheeting of laden vehicles or other appropriate conditions;
4. Access to and from the site and the provision of on-site turning, parking, loading and unloading areas;
5. The means of transporting material within the site, or between different parts of the same working area; and
6. The operating hours of lorry traffic to and from the site.

- 5.71. This policy should be applied alongside County Durham Plan Policy 21 (Delivering Sustainable Transport). Transport is one of the main environmental considerations which will need to be carefully assessed when determining planning applications. This is due to the Heavy Goods Vehicle (HGV) traffic associated with minerals and waste developments which can cause adverse impacts on highway safety, on pollution caused by vehicle emissions, on local amenity through noise, dust, vibration, the physical separation of communities and visual intrusion caused by traffic flow. The HGVs also have an impact on the strategic, primary and local road network in terms of its capacity and levels of congestion. In addition, they produce carbon emissions that contribute to global warming. The sustainable transportation of minerals and waste is therefore an important consideration.
- 5.72. Currently the majority of minerals and waste in County Durham are transported by road and significant quantities are also transported in and out of the County to adjoining areas, such as Tyne & Wear and Tees Valley which are regionally significant centres of demand for aggregates and important sources of waste and the location of waste management facilities. The extent and complexity of vehicle movements in combination with the lack of navigable waterways and limited rail infrastructure means that there are very limited opportunities for more sustainable modes of non-road transport.

## **The Sustainable Transport of Minerals and Waste**

- 5.73. While limited there may be opportunities for more sustainable non-road-based transport of minerals. Policy 48 (Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites) of the County Durham Plan has sought to safeguard minerals related transportation infrastructure including rail lines and alignments, rail links to quarries and railheads which could facilitate the sustainable transport of minerals by rail and by sea. Policy MW8 (Mineral Rail Handling Facilities) also seeks to facilitate the provisions of new mineral rail handling facilities.
- 5.74. Information on how the use of the rail network could be maximised will be a requirement in considering certain mineral planning applications. However, it is recognised that this will not be relevant to all proposals and will most readily apply where proposals for new large or extended mineral workings are proposed near to or adjacent to an existing or protected rail route or alignment. In addition, it is also recognised that the transport by rail of relatively small quantities of minerals to local, dispersed points is not likely to be economic and could lead to a poorer environment due to increased total travel distance and the need for final delivery by road. In assessing the feasibility of rail use regard will be had to both practical and economic implications, to ensure that the level of additional costs incurred are reasonable when compared with the local and wider environmental benefits that would accrue.
- 5.75. Technological advancements across the transport sector to facilitate a movement away from fossil fuel-based road are anticipated over the coming years. These advancements could make a valuable contribution towards tackling climate change and if achieved should be considered as a benefit. These are likely to include major improvements in fuel efficiency, the introduction of low and ultra-low emission haulage vehicles, and in time, zero emission vehicles that employ only non-fossil fuel-based means of power. Over the life of the M&WDPD the Council will seek to encourage the use and adoption of low or zero emission vehicles for the movement of minerals and waste, however, it is recognised that future uptake and use is dependent on technological development and standards which fall outside of the scope of the planning system.

## **Road Traffic**

- 5.76. The Council is the Local Highways Authority and Highways England is responsible for the Strategic Road Network. Prospective applicants should engage with the Council through the pre-application process where the local or strategic highway network could be affected by a proposal. Where necessary the Council will consult Highways England. This will establish what

information is required to assess any proposed development and whether a transport assessment or transport statement is required to be submitted.

- 5.77. Planning applications for minerals and waste development which generate large volumes of movements should be accompanied by a Traffic Assessment identifying the effect on the highway network of traffic generated by the proposed development. This will identify whether a proposal is feasible in traffic terms and will establish the need for any highway improvement works. Where unacceptable adverse impacts are identified, they must be mitigated in order for the development to proceed. Mitigation measures to this effect might include specific infrastructure improvements or financial contributions towards work to the highway network. It will be important that all vehicular traffic generated by a proposal can safely access and be accommodated on highway network in terms of both capacity and congestion and without having an unacceptable adverse effect on highway safety.
- 5.78. Given the reliance on the local and strategic highway network to transport minerals and waste and the scattered settlement pattern within County Durham it is considered important that the amenity of roadside communities and recreational amenity, including of non-motorised users is considered and protected wherever possible. The Council will therefore seek to ensure that the most suitable route is identified as part of any planning permission and will seek to ensure that vehicles transporting minerals and waste, avoid or minimise minor rural roads and utilise as soon as practicable roads designated on the County Durham Freight Map<sup>25</sup>.
- 5.79. The County Durham Freight Map shows the designated road network that the drivers of HGVs are expected to use to access destinations within the County. The purpose of the map is to ensure as far as possible that these vehicles travel on roads that are appropriate, thereby reducing environmental impact on less suitable routes. Minor rural roads are an important element in the character of open areas, and often act as recreational routes for cyclists, horse riders and walkers and are generally considered unsuitable to accommodate the regular movement of freight and should be avoided wherever possible. However, the acceptability of using certain minor rural roads for minerals and waste related traffic to support a proposal will be judged on a case-by case basis.
- 5.80. Section 278 of the Highways Act allows a highway authority to seek costs from a developer, where the developer would derive a special benefit for necessary modifications to be made to a strategic road network as part of the highway authority's proposed works. Also, Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into an agreement with developers for the purposes of restricting or regulating a

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<sup>25</sup> County Durham Freight Map: <https://www.durham.gov.uk/article/3400/County-Durham-freight-map>

development, including providing for payments of money towards mitigation measures to achieve road network improvements. Section 106 also allows a local planning authority to receive a unilateral undertaking from developers. It may also be possible to limit vehicle sizes in certain circumstances, for example when a minerals development is located in a sensitive area such as an AONB.

- 5.81. In granting planning permission for minerals and waste development, planning conditions will be imposed, and planning obligations or other legal agreements sought, to cover a range of matters including the lorry routes which utilise County Durham Freight Map roads, and in order to minimise related environmental and amenity impacts such as the transfer of mud and dirt onto the public highway through the use of wheel cleaning facilities, the use of suitably metalled access roads and the sheeting of laden vehicles and the operating hours of lorry traffic to and from the site.

#### **Policy MW8 - Mineral Rail Handling Facilities**

The establishment of facilities which enable the transfer of minerals from road to rail will be permitted provided that it can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.

- 5.82. This policy should be applied alongside County Durham Plan Policy 24 (Provision of Transport Infrastructure). The establishment of new rail handling facilities for mineral transportation could reduce vehicle miles and associated emissions including, CO<sub>2</sub>, and assist in reducing the impacts on the amenity of roadside communities. The ideal location for the rail loading of minerals is at the point of extraction, however, the limited extent of the rail network in County Durham and the fact that minerals can only be worked where they naturally occur mean that this will not always be possible. Potentially opportunities may arise for new facilities which lie along the route of existing safeguarded railways and in locations which several quarries. This may also have the benefit of helping secure the future of existing rail lines. The establishment of rail handling facilities to facilitate the importation of waste into County Durham will, however, be resisted as this would be unlikely to meet the requirements of the proximity principle<sup>26</sup>.
- 5.83. The location of any new rail handling facilities will need to be carefully assessed so that any unacceptable adverse impacts are minimised. The range of environmental issues that will need to be considered will be broadly

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<sup>26</sup> The Waste (England and Wales) Regulations 2011:  
[https://www.legislation.gov.uk/uksi/2011/988/pdfs/uksi\\_20110988\\_en.pdf](https://www.legislation.gov.uk/uksi/2011/988/pdfs/uksi_20110988_en.pdf)

similar to those relating to other mineral development. However, particular attention will need to be paid to protecting communities from the effects of HGVs. In order to minimise impacts on local amenity consideration should always be given to the location of such facilities in order to avoid local roads near to sensitive receptors such as housing. Preferably such facilities should be located on industrial estates or outside of the built-up framework of settlements so that local amenity issues such as noise and dust are avoided.

### **Policy MW9 - Borrow Pits**

Proposals for borrow pits must be operationally related to a specific construction project and will be permitted where all the following criteria are met:

- The applicant can demonstrate that the supply of material cannot be reasonably met from either existing quarries in the local area or by the use of secondary or recycled materials of appropriate quality.
- That the borrow pit lies on or in close proximity to the proposed construction project so that the mineral extracted and any other materials or suitable inert wastes from the construction project can be transported to the point of use or disposal either without or with only minimal use of the local road network.
- That the borrow pit is time limited to the life of the proposed construction project and material is to be used only for the specified project.
- That the borrow pit can be restored to an appropriate landform and that high-quality restoration and aftercare takes place at the earliest opportunity in accordance with an agreed scheme without the use of imported material other than that which is generated on or in close proximity to the construction project.
- The applicant can demonstrate that the working and restoration of the borrow pit will have no unacceptable adverse impact on the environment, human health, or the amenity of local communities.

- 5.84. Borrow Pits are temporary small-scale mineral workings on or near to a construction project such as road construction or similar civil engineering projects which are used solely to supply mineral, mainly aggregates or clay for a project. While such applications in County Durham are rare, in recent year planning permission has been granted to three borrow pits in association with the construction of estate roads in West Durham.
- 5.85. Borrow pits can contribute to the sustainable supply of mineral resources that might not otherwise be practicable to extract. Their main advantage is that they can supply a local source of mineral to a specific construction project and reduce the need to transport minerals, thereby limiting costs and reducing the disturbance on the local road network. In addition, they can also reduce the

demands placed upon existing quarries. Sometimes they can also be used for the disposal of surplus materials or suitable inert waste materials generated onsite thereby further reducing the need to transport waste.

- 5.86. Despite these advantages there are a number of other considerations. The most important of these is the difficulty in obtaining satisfactory working and restoration of small scale, temporary projects often worked by firms with little experience of restoring mineral sites to the high standard now required. In addition, because borrow pits are tied to one project, they are vulnerable to problems relating to technical quality. Where only low-grade material is required, allowing a borrow pit may preclude consideration of the use of suitable waste or recycled materials. Any advantage gained from reduced traffic on the local road network will also be negated where there is a need to export surplus materials or waste from the construction project for disposal. Borrow Pits may result in proposals to import waste as fill to restore the site and as a result the Council will seek to ensure that this does not occur by seeking low level restoration when suitable onsite material is not available unless this can be demonstrated to provide an unsatisfactory form of restoration.
- 5.87. The Council will always require the applicant to demonstrate that a borrow pit is the most appropriate mechanism to supply the necessary material for the associated construction project and that the supply of material cannot be reasonably met using suitable secondary or recycled materials of appropriate quality or from existing quarries in the local area and that the supply of material from such sources would be seriously detrimental to the environment and amenity of the area because of the scale, location or timing of the necessary operations.
- 5.88. It is considered important to ensure that borrow pits are closely linked to the construction project with which they are associated. In considering proposals for borrow pits the Council will require the applicant to provide sufficient details of the associated construction project to enable this to be considered in the decision-making process. The coordinated submission of proposals will normally be required and planning conditions and/or planning obligations may be required to manage the relationship between the mineral extraction and the specified non-mineral development.
- 5.89. The environmental impacts of borrow pits will always need to be fully considered and the working and restoration of borrow pits will always be required to be undertaken to the same high standards as longer-term mineral workings. High quality restoration with a suitable after use and after care will always be required. Applicants should demonstrate how an appropriate

landform will be achieved and borrow pits should be restored without the use of imported material, other than that generated by the specified project. This will enable the transport benefits to be fully realised.

### **Policy MW10 - Onsite mineral processing**

Where planning permission is required for minerals processing or manufacturing plant and other developments ancillary to mineral working, proposals will be permitted within the boundaries of sites provided that:

- In the case of a processing plant, it is required to process minerals extracted from the mineral working site;
- In the case of a manufacturing plant, the greater part of the minerals to be used to manufacture the product will be extracted from the site and the manufacturing activity will remain ancillary to the primary use of the site for mineral extraction;
- In the case of other ancillary development, it is required solely in connection with the administration or servicing of the site.

In granting planning permission for plant and machinery, conditions will be imposed, and planning obligations or other legal agreements sought, to cover the following matters as necessary:

1. Minimisation of adverse environmental impacts;
2. Ensuring the removal of plant, structure or buildings as soon as extraction of minerals from the site has ceased; and
3. Preventing the import of material from elsewhere, other than material necessary for the operation of the plant but which is not capable of extraction from the site.

- 5.90. There are a range of activities related to mineral working which either need to be carried out, or have advantages in being carried out, in proximity to where the minerals are worked. Some processing and storage of minerals may take place upon minerals sites. Such activities, where they are acceptable, need to be subject to appropriate controls to ensure that adverse environmental impacts are minimised and that unacceptable adverse impacts do not occur.
- 5.91. Details of the plant required for processing minerals at quarries should be an integral part of any planning application for new mineral working. Changes in markets and working practices however mean that new plant may be required during the lifetime of any site. The Town and Country Planning (General

Permitted Development) (England) Order 2015 allows, subject to prior approval, certain types of ancillary development to be located within minerals workings without planning permission. This is generally where it is directly related to the winning and working, initial treatment or disposal of minerals. Examples of facilities that may not require planning permission are the installation of plant and machinery or structures that are essential to mineral working, for example conveyors, washing and screening plant and loading facilities. Various criteria relating to the height and appearance of buildings and structures and other restrictions may apply.

- 5.92. The location of associated temporary minerals processing and manufacturing plant at quarries such as concreting plants, can help to minimise overall environmental disturbance when they are dependent on the minerals which are worked. This is mainly through reductions in the need to transport minerals for processing. They may also provide the most appropriate location for processes that it may be difficult to accommodate elsewhere. Proposals will only be permitted where there are clear environmental benefits, and both the processing plant and manufacturing plant are ancillary to the mineral working and additional environmental impacts are minimised. The applicant will also need to demonstrate that the plant is required to process the minerals extracted and in the case of manufacturing plant, the greater part of the minerals to be used to manufacture the product will be extracted from the site and the manufacturing activity will remain ancillary. To help mitigate climate change impacts from on-site processing activities consideration should be given to how emissions can be minimised through a grid connection to the site or local renewable energy generation with battery storage for the running of such equipment. Any planning permission for associated such development will be time limited to expire on the cessation of mineral working from the associated site.
- 5.93. The continued use of minerals processing and manufacturing plant as a permanent land use following the exhaustion of the mineral reserve will be resisted as it would result in new freestanding industry in the open countryside. Such development would be dependent upon the import of raw materials which would require significant vehicle movements, result in additional environmental impacts from for example, noise and visual intrusion from plant and impede site restoration.

#### **Policy MW11 - Storage of minerals**

In granting planning permission for mineral stocking areas at existing mineral sites planning conditions will be imposed and planning obligations or other legal agreements sought, to cover the following matters as necessary:

- a) Minimisation of environmental impact.
- b) Time limits on the storage of materials after working has ceased.
- c) Preventing the import of materials from elsewhere.

5.94. As with on-site processing, details of any proposals to store minerals where mineral working is being undertaken should be an integral part of any planning application for new mineral working. There may, however, be occasions when new proposals arise, or where the stocking of minerals is required after mineral extraction has ceased, for example, the storage of clays used in brick manufacture. This can provide a mechanism so that minerals remain available for use in the short term and therefore prevent their use and wastage in site restoration. However, when such proposals occur, the main concern is that environmental impacts should be acceptable, that the site is satisfactorily restored once the storage of minerals has ceased and that storage on site after the end of mineral working does not unduly extend the time period during which local communities experience any unacceptable adverse impacts.

#### **Policy MW12 – Periodic Review of Mineral Planning Permissions**

Through the periodic review of existing mineral planning permissions and the process of considering new schemes for modern working and restoration conditions on dormant mineral sites, the Council will seek to agree new schemes of conditions with mineral operators to modern standards to ensure that:

- Sites work to continuously high working and environmental standards and
- There will be no unacceptable adverse impact on the environment, human health, or the amenity of local communities; and
- In accordance with the requirements of Policy MW22 (Mineral Site Restoration, Landfill and Landraise) high-quality restoration schemes are agreed, or if this is not practicable, other appropriate restoration schemes will be agreed.

5.95. County Durham has many active<sup>27</sup> mineral sites as well as many dormant mineral sites. No minerals development may lawfully be carried out at dormant sites until a new scheme of conditions has been submitted to, and approved by, the Council<sup>28</sup>.

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<sup>27</sup> Details of the active and dormant sites in County Durham are set out in the Minerals Technical Paper which can be downloaded here: <https://durhamcc-consult.objective.co.uk/kse/folder/52317>

<sup>28</sup> Although it is now expected that most of the dormant permission in County Durham will now never be worked again as twenty-five years have now passed since these sites were first registered.

- 5.96. The Environment Act 1995 introduced significant new requirements for an initial review and updating of mineral planning permissions granted between 1948 and 1982, and the periodic review of all extant mineral permissions at 15-year intervals. As amended by the Growth and Infrastructure Act 2013<sup>29</sup> the Council now has a broad discretion as to whether to subject a site to a periodic review and as to its timing. However, any periodic review must still be no earlier than 15 years after planning permission is granted or, in the case of an old mineral planning permission 15 years from the date of the initial review. Any further reviews should be at least 15 years after the date of the last review.
- 5.97. The PPG advises that Council's should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware of and has not been able to address. The review process takes the form of a submission of a new and updated scheme of conditions, usually incorporating a reviewed scheme of working, restoration, and aftercare, as appropriate. In some instances, an application may also be subject to an Environmental Impact Assessment. The determination will have the effect of imposing new conditions for the future working of an existing minerals development for which planning permission has already been granted.
- 5.98. The Council will give at least twelve months advance notice to land and mineral owners of the date by which an application for the approval of new conditions must be submitted. If no submission is received by the date stated, the mineral permission ceases to have effect, although restoration and aftercare conditions will still apply. Subject to certain legal provisions, the process is conducted in a similar way to the processing of a planning application.
- 5.99. Through the periodic review process the Council will seek to determine applications in accordance with relevant County Durham Plan policies. The Environment Act 1995 provides for authorities to determine conditions different from those submitted by an operator, provided that these do not restrict working rights to extant permissions that would unreasonably prejudice the economic viability or asset value of the site, when compensation would be payable.

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<sup>29</sup> Section 10 and Schedule 3 of the Growth and Infrastructure Act 2013.

### **Policy MW13 - Local Liaison Groups**

Where appropriate and deemed necessary the Council will require the establishment of local liaison groups to enable the exchange of information regarding the development throughout the lifetime of any mineral site including both its working and restoration.

5.100. Within County Durham there are currently seven Local Liaison Groups<sup>30</sup>.

Where established these groups facilitate the exchange of views and information about specific mineral sites between representatives of the mineral operator, the Council, and where appropriate other organisations such as the Environment Agency and Town and Parish Councils and interested residents. While their principal role is to allow the exchange of information regarding the development, it is recognised that discussions sometimes may highlight areas where action could be taken by the Council or by the operator with their agreement. However, Local Liaison Groups are not decision-making forums, this is the role of the Council's Planning Committee, although officers have delegated authority for certain decisions. Local Liaison Groups can be required by either condition or legal agreement at the time planning permission is granted.

5.101. Where established, it is intended that the operator will convene the Local Liaison Group at least once every year or at such other frequency agreed by the Liaison Group Committee. The operator will also provide all practical administrative and secretarial facilities to enable the Liaison Committee to function effectively including the provision of a suitable local venue for every meeting and the production of publicly available minutes for every meeting.

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<sup>30</sup> Position in 2021.

## Chapter 6 - Oil and Gas

- 6.1. Conventional oil and gas is located in sandstone or limestone, while unconventional oil and gas comes from sources such as shale or coal seams which act as the reservoirs. Unconventional oil and gas include a range of technologies and processes some of which are relatively new or as yet uncommon in a United Kingdom such as Shale Gas<sup>31</sup> extraction ('hydraulic fracturing'<sup>32</sup> or 'fracking'), Coalbed Methane (CBM)<sup>33</sup>, Coal Mine Methane (CMM)<sup>34</sup>, Abandoned Mine Methane (AMM)), and Underground Coal Gasification (UCG)<sup>35</sup>.
- 6.2. Most conventional and unconventional oil and gas operations are the subject of a licensing system operated by the Department for Energy and Climate Change (DECC). Petroleum Exploration and Development Licences (PEDL) are periodically issued by DECC through licensing rounds which grant time limited exclusivity to operators in the licence area. Similarly, Underground Coal Gasification (UCG) operations are the subject of a licencing system by the Coal Authority. All oil and gas developments are also controlled by other regulatory regimes as well as the planning system, including those overseen by the Environment Agency and the Health and Safety Executive, and proposals will also have to meet the requirements of these regulators.

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<sup>31</sup> Shale gas is methane found in deep rocks below the earth's surface which had previously been considered too impermeable to allow economic recovery.

<sup>32</sup> Hydraulic fracturing is the process of opening and/or extending existing narrow fissures in gas or oil-bearing rock to allow gas or oil to flow into wellbores to be captured. During hydraulic fracturing, a mixture of water, sand and possibly some chemical additives is pumped under pressure down a borehole into the rock unit. The sand is used to prop the fractures open to increase gas extraction. The borehole is lined with a steel casing and cement and a "perforating gun" is used to create perforations to allow the hydraulic fracturing fluid to be injected into the rock. The system is designed to be a closed loop, so that when the high pressure is removed, the hydraulic fracturing fluid returns to the surface for treatment and storage. The flowback water also may contain salts and other dissolved minerals from the shale rock formation. Estimates vary on what percentage of the hydraulic fracturing fluid returns to the surface: from 25-75%. This wide range is explained by differences in the properties of the shale and the approach to the fracking. Only substances that have been assessed as being non-hazardous pollutants under the Groundwater Directive (see glossary) may be used in hydraulic fracturing fluids.

<sup>33</sup> Coal-bed methane (CBM): A form of natural gas extracted from unworked coal seams. Potentially it can be contemplated at depths of 200 metres to 1500 metres. It can be extracted by drilling vertically into a coal seam and fracturing the coal, making use of pre-existing fracturing patterns by means of water pressure. Alternatively, directional drilling along a coal seam can remove the need for fracturing.

<sup>34</sup> Coal mine methane (CMM) is the term given to the gas trapped in coal seams.

<sup>35</sup> Underground Coal Gasification is a process which involves the controlled combustion of coal seams beneath the ground and the recovery of resulting gases. Potentially it can be contemplated if previously un-mined coal is accessed at depths of between about 600 metres and 1200 metres below the ground surface.

- 6.3. The Government's recent Energy White Paper<sup>36</sup> recognises that transforming the oil and gas sector will be required in order to deliver its climate change commitments and net zero emissions targets by 2050. The UK Government also announced in November 2019 that it would take a presumption against issuing any further Hydraulic Fracturing Consents in England.
- 6.4. The National Planning Policy Framework (NPPF) does require mineral planning authorities to plan positively for, the three phases of oil and gas development (exploration, appraisal, and production), whilst ensuring appropriate monitoring and site restoration is provided for. While it is not known whether commercial exploitable supplies of oil and gas exist in County Durham, were any such proposals occur in County Durham this policy will provide the framework for considering any such applications. It is considered prudent to include such a policy given the uncertainties regarding prospects and is consistent with the policy approach that has been taken in previous plans prepared by the Council.

### **Current Prospects for Oil and Gas within County Durham**

- 6.5. County Durham does not have a history of any form of conventional or unconventional oil or gas exploration or production. There are currently no PEDLs within County Durham although the British Geological Survey have indicated there may be prospects within County Durham and the Tees Valley.
- 6.6. In terms of unconventional oil and gas, it is currently considered that there are no prospects for Coal Mine Methane production from County Durham due to the past closure of all deep coal mines in County Durham. It is also considered that the prospect for Abandoned Mine Methane is poor, due to the low methane content of seams in the Durham Coalfield combined with the intensive past deep mining of coal throughout the Durham Coalfield. Similarly, the potential for future Coal Bed Methane working utilising coal seams at depths of 200 metres to 1500 metres has yet to be investigated but may also be limited if the methane content of deeper coal seams in County Durham is also low.
- 6.7. It is considered that there may be the potential for Underground Coal Gasification (UCG) and the Coal Authority have issued several licenses off the North East Coast including two off the Durham Coast in August 2014. It is understood that all these licenses have now lapsed. Should interest ever resume it is expected that such operations may be undertaken using former North Sea Oil drilling rigs. Such a proposal could result in proposals for

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<sup>36</sup> HM Government (December 2020) The Energy White Paper - Powering our Net Zero Future.

onshore infrastructure although this would be affected by the protection afforded to much of the Durham Coast through a combination of the European and National nature conservation designations and its Heritage Coast status.

- 6.8. The Northeast and County Durham may contain geological strata which could be of interest for the exploration of shale gas. A study published by DECC in 2010 indicated that the Namurian Millstone Grit Outcrop is a potential area of interest. Within West Durham the majority of the Namurian Millstone Grit Outcrop is found within the North Pennines Area of Outstanding Natural Beauty (AONB) and large areas of this outcrop are also overlain by internationally and nationally designated nature conservation sites. Given the findings of the studies which have been undertaken to date and the results of the last Oil and Gas licensing round, commercial interest in the recent past is elsewhere in the United Kingdom. It is therefore not known whether a commercial resource exists in County Durham.

#### **Policy MW14 - Oil and Gas Exploration, Appraisal and Production**

Planning applications for the exploration, appraisal and production of oil and gas will only be permitted where it can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or upon the amenity of local communities and provided that:

- a. Drilling rigs, well sites and all other associated facilities and infrastructure associated with exploration and appraisal are sited in the least sensitive location from which the target reservoir can be accessed;
- b. Exploration and appraisal operations are for an agreed temporary period and a comprehensive restoration strategy is agreed, together with a scheme of after-use and aftercare; and
- c. Proposals to produce conventional and unconventional oil and gas including well sites and facilities, and other related ancillary development and infrastructure will only be permitted in accordance with an overall agreed scheme and where the following criteria apply:
  - a. A full exploration and appraisal programme for the oil and gas field has been completed and an acceptable scheme for the full development of the oil or gas field is agreed;
  - b. Extraction, processing and transport facilities are located and operated to minimise both unacceptable environmental and amenity impacts and provide any necessary mitigation and enhancements. As a Climate Emergency has been declared in County Durham proposals will need to demonstrate that they mitigate emissions as far as possible and offset residual emissions;

- c. Existing permitted facilities and infrastructure are used for the development of any additional fields discovered unless it is demonstrated that this would not be technically feasible, and any unacceptable adverse impacts can be mitigated; and
- d. A decommissioning strategy will be required to be submitted and agreed.

Proposals at each stage must provide for the restoration and aftercare of the site to a high standard at the earliest opportunity. Should oil and gas be found through the exploration and appraisal stages in commercially viable quantities, subsequent planning applications for production should be accompanied by a comprehensive restoration strategy for the oil or gas field(s).

- 6.9. The exploration and appraisal phases of oil and gas development are carried out to establish the presence, extent and characteristics of the oil and gas reservoir and the economic viability of extraction. The production phase normally involves the drilling of several wells. Associated equipment such as pipelines and processing facilities are also likely to be required. All extraction and processing facilities should be located to minimise adverse effects on the environment, health and the amenity of County Durham's local communities.
- 6.10. All oil and gas exploration, appraisal and production sites must be decommissioned, and the sites must be fully restored with a beneficial after-use. A period of aftercare may also be required. Decommissioning will require the dismantling and removing of all facilities and equipment including areas of hard standing and access roads as part of the full restoration of the site. The Council will therefore require a detailed strategy detailing the decommissioning and restoration, after-use and aftercare phases to be submitted for approval, prior to any activities beginning. This should detail the proposed schedule and methods of decommissioning activities, along with time scales, as well as anticipated impacts on the environment and local amenity, including through transportation and the mitigation proposed.
- 6.11. Should any future planning application be granted planning permission, where necessary, planning conditions will be attached to any permission to ensure that environmental and local amenity interests are always protected. Such conditions will address a range of matters including the disposal of unwanted gas and flaring of gas, the routing of vehicles leaving the site, noise emissions and pollution control measures. Detailed guidance on the planning application process, including a summary of the key regulators for hydrocarbon extraction and issues that are covered by other regulatory regimes is provided in the Planning Practice Guidance. In determining planning applications, the Council

will always take fully into account the advice of the other key regulatory bodies.

- 6.12. Community engagement is a crucial issue regarding oil and gas extraction. In line with the Council's Statement of Community Involvement a potential applicant must always fully engage with the local community prior to the submission of any planning application and the planning application should explain how the operator will engage with the Council and local community during the operational life of the site.

#### **Policy MW15 - Transport of Oil and Gas**

Oil and gas should normally be transported from production wells by pipeline. Proposals for oil and gas pipelines will only be permitted provided that it can be demonstrated that:

1. The number of pipelines represent the minimum necessary to safely serve the oil and gas field;
2. The routeing of the pipeline or pipelines minimises adverse impacts through its route, its construction and operational and decommissioning phases and any land taken is restored to a high standard at the earliest opportunity once the pipeline is not required or as part of the decommissioning of the oil field if earlier;
3. The routeing of the pipeline provides adequate stand-off distances from local communities; and
4. There will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.

If the transport of oil and gas by pipeline is not possible, the feasibility of rail transport for either all or part of its transportation should be considered. However, where transportation by road is required including for any plant, equipment, materials, and waste resulting from the development, planning permission will only be granted where it can be demonstrated that proposals comply with Policy MW7 (Traffic and Transport).

- 6.13. Should commercially exploitable supplies of oil and gas be found in County Durham and if the agreed scheme of production is likely to span a number of years and involve a substantial number of production wells, opportunities should be explored to minimise traffic on the highway network by transporting oil and gas using specially constructed pipelines. However, in drawing up proposals for new pipeline routes, operators should seek to avoid

environmentally sensitive locations and consider and minimise to acceptable levels any potential impacts resulting from construction of any pipeline route on the environment, human health or the amenity of local communities.

- 6.14. Pipelines of less than 10 miles require planning permission from the Council, those of 10 miles or over require authorisation from the Secretary of State under the Pipelines Act 1962. On this basis, proposals for pipelines less than 10 miles will be determined in accordance with the relevant policies of the County Durham Plan and the M&WDPD. Once constructed, pipelines will place some restrictions on nearby new development which must be observed with suitable stand-offs. In instances where the transport of oil and gas by pipeline is not feasible economically or environmentally, the feasibility of rail transport for either all or part of its transportation should also be considered. Where the extraction of oil and gas would be either partially or fully dependent on access by road transport, they must comply with Policy MW7 (Traffic and Transport).
- 6.15. Planning applications for pipelines should include sufficient environmental information to enable the Council to understand the applicants reasoning for the proposed route of the pipeline, what alternatives routes were considered and the environmental impacts of the proposed route and its construction, including where necessary its eventual decommissioning and removal, together with any mitigation measures to minimise harm to acceptable levels.
- 6.16. An Environmental Impact Assessment may be required if the pipeline is proposed to be located in an environmentally sensitive area or if it is likely to have significant effects on the environment. While it is recognised that any proposed pipeline would need to serve the proposed field it will also need to avoid unacceptable harm to the environment, the amenity of local communities and should be constructed to provide suitable safe stand-off distances from local communities including all allocations within the County Durham Plan. Pipelines should be accommodated below ground to minimise visual and landscape impacts. Environmental and amenity impacts associated with pipeline construction should be mitigated to acceptable levels. Following construction, the landform and the former land use of the pipeline should be reinstated to a condition at least commensurate with its condition prior to its construction. Similarly, where temporary pipelines are proposed pipelines will be required to be decommissioned, removed and the land restored with a suitable after use. Environmental enhancements will be sought whenever possible.

## Chapter 7 - Other Minerals

- 7.1. This Chapter addresses several types of economically important mineral resources including Fluorspar, Barytes, Silica Sand and Ganister, which are known to be present in County Durham and which have been worked in the recent past but are not currently worked today. It also addresses Zinc which has not been worked within the North Pennines for many years but has been subject to commercial interest over the past twenty-five years and Lithium which is currently subject to interest for exploration in several locations within the United Kingdom including Cornwall and County Durham. This chapter also addresses peat where the National Planning Policy Framework (NPPF) is explicit in the approach that should be taken.
- 7.2. For each specific mineral resource which is addressed, a high-level overview of the mineral resource, which is present within the County, including where available the history of previous extraction or exploration activities is provided. However, given uncertainties relating to the mineral resources themselves, either due to the lack of commercial interest in recent years and/or the need for further exploration it is not possible to identify whether proposals for future extraction activities will occur over the plan period.
- 7.3. The Chapter explains that these mineral resources (except for some peat) all occur within West Durham which is recognised to be the most environmentally sensitive part of County Durham. West Durham also has limited road infrastructure, principally along the main river valleys into the North Pennines, although the Weardale Railway line could provide access as far as Eastgate should it be reopened. Should proposals for future extraction occur in the future, the impact of any future working on the environment and the amenity of local communities will be key consideration in determining any future proposals.

### **Policy MW16 – Vein Minerals, Lithium, Silica Sand/Moulding Sand and Ganister**

Proposals for the extraction of vein minerals, lithium, silica sand/moulding sand and ganister will be determined in accordance with Policy MW1 (General criteria for considering minerals and waste development) and other relevant M&WDPD and County Durham Plan policies. Given the location of these mineral resources particular regard will be given to the consideration of impacts upon protected landscapes, internationally, nationally and locally protected sites and protected species, conservation areas and other heritage assets and adverse impacts on tourism and upon amenity. Particular regard will also be given to opportunities to

meet national demand for lithium, locally and by methods which have a low environmental impact. In addition to any other specific policy requirements that proposals for the extraction of these minerals will need to demonstrate that the mineral to be extracted will be used for the purposes for which their specific qualities are essential.

Proposals for mineral exploration associated with these minerals which are not classed as permitted development under the General Permitted Development Order will be determined in accordance with Policy MW2 (Mineral Exploration).

## **Vein Minerals**

- 7.4. County Durham contains a major part of the North Pennine Orefield which also extends into the adjoining Counties of Northumberland, Cumbria and North Yorkshire. Historically the area has been important for the mining of the industrial mineral's fluorspar and barytes and historically for a range of metal ores including lead with associated by-products silver and zinc. Metal mining in the North Pennines which peaked in the 19<sup>th</sup> Century largely ended in the 1930s although several dormant permissions remain.
- 7.5. Fluorspar is a vein mineral and is found within the central zone of the Northern Pennine ore field. The main fluorspar bearing veins are centred around upper Weardale and its tributary, the Rookhope Valley. Fluorspar consists of fluorite together with variable amounts of associated minerals. Fluorite is composed almost entirely of calcium fluoride and is the only significant source of the element fluorine. In the past it has been used as a flux in the iron and steel industry, in the chemical industry to manufacture hydrofluoric acid and in the aluminium industry to manufacture artificial cryolite, which is used as a flux in the production of primary aluminium. However, the last active fluorspar mine in the County, Frazers Grove mine in Weardale, closed in 1999. While several dormant permissions remain including the Blanket Consent (Lead Ore, Zinc Ore & Fluorspar) in upper Weardale, there has been no further interest in working this mineral since the closure of Frazers Grove Mine. The British Geological Survey has advised that underground mining has removed the most accessible deeper reserves and that future fluorspar mining depends upon identifying and accessing downward extensions of major orebodies and on locating new orebodies in poorly expressed ground on lateral extremities of major vein structures.
- 7.6. Barytes is a vein mineral which occurs on the outer margins of the North Pennine orefield. The main barytes vein being centred in Lunedale. Barytes is used in chemical applications, the nuclear industry, in coal working and in oil

and gas well drillings. A Preferred Area was allocated in the County Durham Minerals Local Plan (December 2000), however, the last Bartyes mine in the County, Close House Mine closed in 2002 following a landslip and since that time there has been no further industry interest.

- 7.7. Zinc is no longer worked in the North Pennines. The last mine which was worked solely for lead and zinc closed in 1968 in Cumbria. Nonetheless, over the last thirty years there has been continued interest in large scale commercial interest within the North Pennines Orefield including during 2012 to 2015 around the Nenthead area. The most recent exploration programme identified significant mineralisation within the Great Limestone which had not been previously recognized and further exploration is understood to be planned. However, no development proposals have been discussed with the Council. Should proposals eventually come forward for consideration any surface development associated with such extraction may be in Durham or in adjoining areas of Northumberland or Cumbria.
- 7.8. Lithium is a rare earth metal which is used to create batteries and has been identified by both the EU and UK as a strategic metal. In coming decades, the demand for this mineral is expected to grow rapidly given the development of electric vehicles and batteries for power storage: technologies that are widely expected to revolutionise transportation and power distribution in coming decades. It is also used as a flux within the ceramics and glass industries, within greases for lubrication and small amounts are used in the pharmaceuticals industry. Despite being an abundant element in the earth's crust there are few deposits globally where the lithium concentration is sufficient to make economic extraction a possibility. It does not naturally occur as an ore but is instead usually found in ionic minerals such as petalite, lepidolite and spodumene within pegmatite rocks or in solution in salt brines.
- 7.9. It is understood that the Weardale Granite which lies deep below the North Pennines may contain lithium within the groundwater (in hot saline brines). The extraction of lithium is new technological process which is currently being trialled within the United Kingdom in Cornwall and exploration activities may occur in County Durham in coming years. The production process which is in its early stages of development would involve the drilling of deep boreholes and the pumping of the groundwater and the treating the groundwater in a processing plant using advanced technologies to selectively remove lithium compounds prior to the water being reinjected into the rock. A separate policy related to Lithium exploration, appraisal and production may be prepared and included within the M&WDPD.

## **Silica Sand/Moulding Sand**

- 7.10. Silica sand is an industrial mineral which is identified by the NPPF to be of local and national importance, and which can, depending on its properties serve a variety of end uses in manufacturing and industry.
- 7.11. The resource in County Durham consists of deeply weathered sandstones within the Millstone Grit. In the past this resource has been worked for use as naturally bonded foundry sands. Such sands were formerly of importance to the early development of the foundry castings industry, but their properties were difficult to control, and they are little used today. In recent years there has only been one active silica sand quarry in County Durham, this being Weatherhill Quarry, north of Stanhope. This sand was used to optimise the chemistry of the feed for the manufacture of cement at Eastgate. However, Eastgate Cement Works closed in 2002 and since that date production of this sand declined significantly. Information previously provided to the Council indicated that sales from Weatherhill Quarry were very low in the years before its final closure but that reserves were believed to be still extensive. Weather Hill Quarry closed in 2011 and extraction has now ceased from the quarry.

## **Ganister**

- 7.12. Ganister is a high silica sandstone. Within County Durham deposits of Ganister occur within the carboniferous limestone and millstone grit series, outcropping on the fells above Weardale and within the lower coal measures in a belt running between Knitsley and Butsfield. It has been traditionally used in the manufacture of refractory bricks and cements.
- 7.13. In recent years there has only been one active ganister quarry in County Durham, Harthope Head Quarry near St. John's Chapel in Weardale. However, this Quarry closed in 2015. In recent years while in operation production was sporadic and very small in scale, with only very modest quantities of stone transported off site being used as a building stone and with none being used for specialist purposes.
- 7.14. The NPPF requires that planning policies should provide for the extraction of mineral resources of local and national importance. While only fluorspar and silica sand are explicitly listed in the framework all the minerals listed are potentially of local or national importance and the potential for proposals for further extraction cannot be discounted over the plan period.

## **Planning Response**

- 7.15. The NPPF requires the Council to plan for a steady and adequate supply of industrial minerals. Through previous work on the County Durham Plan the Council has sought to comply with this requirement for the minerals which are currently worked within the County. The Council has also safeguarded all known major fluorspar and baryte mineral veins and dormant permissions associated with these minerals following previous representations from the Peak District National Park Authority.
- 7.16. Currently the need for several of the minerals addressed by this Chapter are either being met elsewhere in the country or are not yet being met at all. In such instances it is not possible to comply fully with the requirement of the NPPF to ensure that adequate provision of industrial minerals to support their use in industrial and manufacturing processes. There is also no national demand forecast for any of the minerals addressed by this Chapter. In terms of silica sand, whilst the NPPF does require a 10-year landbank of permitted reserves of silica sand to be identified, in the absence of any existing plant utilising the silica sand resource from County Durham it is also not possible to comply with this requirement. Should a proposal occur for the working of the silica sand resource from County Durham the Council would work with the Council in which the plant occurred to consider demand and supply of this mineral.
- 7.17. Some of the mineral resources addressed by this chapter lie within West Durham which is recognised to be the most environmentally sensitive part of the County. Extraction of some of these mineral types would constitute major development within the area and would include surface development buildings for processing, other structures including drilling rigs, external processing facilities, liquid waste management or mineral waste disposal facilities and could require significant transport movements. Should any proposals for their exploration or working come forward such applications will need to be determined against all relevant policies of the County Durham Plan and M&WDPD.
- 7.18. Given the high environmental sensitivity of parts of West Durham, in particular proposals within or affecting the North Pennines AONB will need to be considered against County Durham Plan Policy 38 (North Pennines Area of Outstanding Natural Beauty) and taking into account the provisions of NPPF paragraphs 172 and 173 and may need to meet the major development test. For proposals within or affecting internationally or nationally important nature conservation designations, the acceptability of working on these designations will also be a key consideration in determining the acceptability of proposals

and there may be a need for Appropriate Assessment under the Habitats Regulations and will need to be considered against CDP Policy 42 (Internationally Designated Sites), CDP Policy 43 (Protected Species and Nationally and Locally Protected Sites) and CDP Policy 41 (Biodiversity and Geodiversity).

#### **Policy MW17 - Peat**

In order protect peat habitats for their nature conservation value, water management role and their role as a carbon store, proposals for new peat extraction sites will not be permitted.

- 7.19. Within County Durham, deposits of peat occur in both blanket bogs and peat basins. The peat bogs occur in the uplands in the western parts of the County and the peat basins occupy hollow depressions in glacial drift or ice eroded bed rock and are found in isolated patches in the central and eastern parts of the County. The blanket bogs in County Durham are up to two metres thick, while basin peat may be locally much thicker. Many of the areas of blanket bogs lie within the North Pennines Area of Outstanding National Beauty or lie within designated Internationally important Special Protection Areas and Special Protection Areas and or nationally designated Sites of Special Scientific Interest.
- 7.20. It is understood that both the blanket bogs and basin peats in County Durham are commercially unattractive when compared with the raised bogs elsewhere in the country and there are no commercial peat extraction sites in County Durham. The NPPF is also clear that local plans should not identify new sites or extensions to existing sites for extraction. This is in line with wider Government policy, which seeks to protect peat habitats because of their nature conservation importance and their carbon storage role. In accordance with NPPF the approach of the M&WDPD is to not to permit any sites for peat extraction. Proposals for minerals and waste development which impact upon the peat resources of the County will need to be determined in accordance with other relevant policies including CDP Policy 41 (Biodiversity and Geodiversity).

## Chapter 8 - Waste

- 8.1. This chapter provides policies to address the ‘disposal’<sup>37</sup> of inert waste (inert construction, demolition, and excavation waste) and non-hazardous waste (which includes household, commercial and industrial waste) and elements of ‘other recovery’<sup>38</sup>. Once adopted these policies will complement the strategic waste policies of the County Durham Plan.
- 8.2. For many years waste disposal by landfill has by far the dominant form of waste management in County Durham. The Waste Management Plan for England<sup>39</sup> states that landfill should usually be the last resort for waste, particularly biodegradable waste. It states that there are some wastes for which landfill remains the best, or least bad, option. It states that the Government’s Resources and Waste Strategy recognises there is an ongoing role for landfill in managing waste, particularly for inert waste that cannot be prevented, recovered or recycled, but that its use should be minimised as much as possible. Such materials are likely to include:
  1. Some hazardous wastes such as asbestos;
  2. Certain process residues such as pre-treated industrial wastes from which no further resources can be recovered; and
  3. Waste for which the alternatives to landfill are not justified on cost or environmental and resource efficiency grounds.
- 8.3. The Waste Management Plan for England also states that the disposal of inert waste in or on land, i.e., landfill, remains a valid way of restoring quarries and worn-out mineral workings where this is a planning requirement.
- 8.4. While reliance on landfill for the disposal of non-hazardous waste has been significantly reduced over the last twenty years significant volumes of inert waste which cannot be otherwise recycled continue to be disposed of across County Durham’s three remaining inert landfill sites at Crime Rigg Quarry, Old Quarrington Quarry and at Bishop Middleham Quarry. Smaller quantities have also been used on a number of landraise sites and for mineral and landfill site restoration. The County’s remaining inert landfill sites are of more than local

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<sup>37</sup> National Planning Policy for Waste (NPPW) is clear that disposal is the least desirable solution in the waste hierarchy it advises that adequate provision must still be made for waste disposal which also include the disposal of the residues from treated wastes.

<sup>39</sup> ‘Other recovery’ is where waste can serve a useful purpose by replacing other materials that would otherwise have been used.

<sup>39</sup> The Waste Management Plan for England (2021):  
<https://www.gov.uk/government/publications/waste-management-plan-for-england-2021#:~:text=The%20Waste%20Management%20Plan%20for,together%20under%20one%20national%20plan>.

importance, managing not only County Durham's own waste but quantities of waste from surrounding areas. In 2017 1,032,000 tonnes was disposed to landfill, with 930,000 tonnes in 2018 and 773,000 tonnes in 2019. A sizeable proportion of this waste originated from outside of County Durham.

- 8.5. County Durham also has one remaining Non-Hazardous Landfill site (Aycliffe East Quarry Landfill) where non-hazardous waste and some hazardous waste is landfilled in a specifically engineered cell<sup>40</sup>. In 2017, approximately 72,000 tonnes was disposed to landfill, with approximately 98,000 tonnes in 2018 and approximately 104,000 tonnes in 2019. A large proportion of this non-hazardous waste is Local Authority Collected waste from Darlington Borough together with quantities of commercial waste and smaller quantities of inert waste.
- 8.6. The following policies in the M&WDPD seek to set the policy context to enable the consideration of planning applications for inert waste 'other recovery', inert waste 'disposal' via landfill and non-hazardous waste landfill. Policy MW21 (Landfill and Landraise - Water Resources) has been specifically prepared to address groundwater, which is a key consideration in landfill.
- 8.7. Proposals for waste development will require an environment permit or exemption from the Environment Agency. Proposals for waste disposal via landfill or 'other recovery' will require an environmental permit. The Environment Agency have published detailed guidance for landfill operators on the requirements of the Landfill Directive and technical standards required to meet environmental protection and permit conditions<sup>41</sup>.

## Inert Waste

### **Policy MW18 - Inert waste 'other recovery'**

Proposals for the 'other recovery' of inert waste to land will be permitted where it can be demonstrated that:

1. The inert waste which is to be used cannot be managed at a higher level of the waste hierarchy and is a substitute for other materials which would have otherwise needed to be used;

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<sup>40</sup> Hazardous waste is landfilled at Aycliffe Quarry in a specially constructed stable non-reactive hazardous waste (SNRHW) cell.

<sup>41</sup> Environment Agency guidance on the Landfill Directive and landfill can be accessed here: <https://www.gov.uk/government/collections/environmental-permitting-landfill-sector-technical-guidance#landfill-overview-guidance>

2. The objective of the proposal is land treatment which would result in a genuine benefit to agriculture or ecological improvement which is significant and not a secondary benefit of the disposal of waste and outweighs the harm, including that caused to local landscape character and topography, ecology or other valued characteristics or an engineering benefit which is genuinely needed for a specific purpose;
3. That the quantity of waste is the minimum that is required to deliver the intended benefit;
4. Alternative solutions which could deliver the identified benefit in a different way, which would not require the importation and use of waste have been considered and found not to be practicable; and
5. There will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities and proposals can meet the applicable requirements of Policy MW21 (Landfill and Landraise - Water Resources) and Policy MW22 (Mineral Site Restoration, Landfill and Landraise).

### **Policy MW19 - Inert Waste Disposal via landfill**

Proposals to create new disposal capacity which would result in new or extended landfill sites will be permitted where it can be demonstrated that:

- a. The inert waste to be disposed cannot be managed at a higher level of the waste hierarchy and can meet the requirements of County Durham Plan Policy 47 (Sustainable Minerals and Waste Resource Management) and Policy 60 (Waste Management Provision);
- b. The site is allocated for inert waste disposal within the Minerals and Waste Policies and Allocations document;
- c. The capacity is required to meet a longer-term need and not a short-term need which could otherwise be disposed at existing inert landfill sites during the intended life of the site and would not prejudice the completion of existing inert landfill sites or the restoration of existing permitted mineral sites where inert material is required for site restoration;
- d. The proposal would not result in an over provision of capacity which would lead to excessive importation of inert waste from outside County Durham;
- e. The proposal minimises the effects of transporting waste including by locating as close to arisings as practical;
- f. The proposal includes a high-quality restoration scheme and the resulting final landform, landscaping and after-uses are sympathetically designed and enhance the natural environment and meet the applicable requirements of Policy MW22 (Mineral Site Restoration, Landfill and Landraise); and
- g. There will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities and proposals can meet the applicable requirements of Policy MW1 (General criteria for considering

minerals and waste development) and can meet the applicable requirements of Policy MW21 (Landfill and Landraise - Water Resources).

Proposals to create new disposal capacity via landraise for inert waste will not be permitted unless it can be demonstrated that existing capacity at landfill sites is insufficient to manage the waste during the proposed operational life of the proposal.

- 8.8. The County Durham Plan stated that policies relating to the future 'disposal' and 'other recovery' of inert wastes would be included within the M&WDPD.
- 8.9. Inert waste materials arise from a range of sources including major engineering, infrastructure and development projects and the processing of construction and demolition materials. It is expected that over the Plan period to 2035, most of the inert waste that cannot be reused or recycled within County Durham will need to be managed primarily via 'disposal' by landfill at either existing or new inert landfill sites including through progressive disposal as part of mineral site restoration. In addition, some inert waste may also be able to be managed through 'other recovery' operations which could include the creation of restoration landforms at existing active mineral sites, or agricultural or ecological land improvement schemes or civil engineering operations. Some inert material will also be used at non-hazardous landfill sites as cover or final restoration material.
- 8.10. In considering all planning applications the Council will carefully consider the requirements of the waste hierarchy and relevant policies of the County Durham Plan and will need to be satisfied that the waste to be used in the proposed 'disposal' or 'other recovery' operation cannot be managed at a higher level of the waste hierarchy. The Council will consider whether a proposal is a 'disposal' or 'other recovery' taking into account their definition in the EU Waste Framework Directive and the advice of the Environment Agency. Applicants should seek to provide evidence as the nature of their proposed development.

### **Inert Waste Other Recovery**

- 8.11. For an application to be considered as 'other recovery' the applicant must demonstrate that they would be able to carry out the proposal in the same way using non-waste materials. They must demonstrate what the principal objective of the proposed operation are, for example is it to secure ecological or agricultural improvement or to dispose of the waste. In the case of improvement schemes, it is not considered sufficient for an applicant to

demonstrate that the operation could make any benefit to ecological or agricultural improvement, the benefits must be significant. This is because the identified benefits may be a secondary benefit of disposing of the waste. Proposals for the use 'other recovery' as part mineral sites restoration will be considered carefully as such proposals may in fact be disposal operations.

- 8.12. In recent years there have been a number of proposals within the County to improve agricultural land quality using inert waste. Such proposals by virtue of the placement of quantities of inert material may result in an incongruous or non-naturalistic landform causing harm to the natural topography and local landscape character and its pre-existing landcover including trees, hedges, and other features of ecology all which have formed because of long-term natural processes. Such proposals may also result in an adverse impact on groundwater and surface water flow and drainage systems and flooding and local water quality. Such proposals would also require inert material which can usually be more readily recycled and could result in the diversion of clays and soils from other sites which may these materials to achieve approved landforms and after-uses may impede and delay their timely and proper restoration.
- 8.13. In instances where it is proposed to use inert waste to improve to improve agricultural land quality, or to use waste for ecological improvement an applicant should provide sufficient information to clearly explain why the site now requires improvement and is incapable of now being satisfactorily used for either the existing or another alternative use. Where an agricultural improvement scheme is being proposed an Agricultural Land Statement will be required and when an ecological improvement scheme ecological evidence will be required. The applicant will need to demonstrate that the proposal would provide a genuine significant benefit to agriculture or ecological improvement which is greater than the previous land use and not a secondary benefit of the disposal of waste. Resulting benefits must also outweigh harm. Proposals should not have unacceptable adverse impacts including those on local topography and landscape character, trees and hedges, biodiversity, surface and groundwater flows and flood risk within or outside the site.
- 8.14. In all instances, it will be necessary for the applicant to demonstrate that the same benefit cannot be achieved in another way and the amount of material which is proposed to be use for the operation must be the minimum amount required.

## **Inert Waste Disposal via Landfill**

- 8.15. The Council as Waste Planning Authority will seek to ensure that adequate provision is made for waste disposal. For a proposal for new inert waste landfill disposal to be acceptable in principle it is essential that there is an established need for further capacity to be provided, which cannot be met at existing inert landfill sites or at other sites which require inert material for site restoration or approved operations. In determining planning applications, decisions will be taken based on the most up to date forecasts on the scale of inert wastes which requires disposal, together with the most recent available information on remaining inert landfill capacity at existing sites and the scale of past inert disposal operations.
- 8.16. County Durham's existing inert landfill sites currently have a significant annual permitted disposal capacity. However, it is recognised that annual permitted disposal capacity will reduce over time as sites close, reach capacity and are restored, or if planning permissions ends, prior to capacity being exhausted and site permissions are not extended. To ensure that remaining capacity within existing sites remain available, extensions of time may be needed in certain circumstances. Should such proposals arise, they will be looked upon favourably where the proposal is acceptable in all other respects considering all relevant policies.
- 8.17. While contributing to meeting the forecast need it will also be essential that the timing of any new proposal would not result in the creation of new capacity, at least in the short term, as this could lead to an over provision and lead to an excess of capacity which could lead to the unnecessary importation of inert waste from outside County Durham. This would be contrary to the proximity principle and could result in unnecessary adverse environmental and amenity impacts.
- 8.18. To meet the established need for further disposal capacity towards the end of the Plan period it is considered new capacity may be able to be provided at sites operating as existing landfill sites where there is scope to do so, provided that impacts were found to be acceptable. Similarly, new capacity may be able to be provided at suitable existing mineral sites where the existing landform created by mineral extraction could accommodate the waste and could help create a more suitable landform more in keeping with the surrounding local landscape character and help address site specific issues which cannot be satisfactorily resolved through alternative solutions which would not require the import of inert waste.

- 8.19. Not all sites may either require or be suitable to accommodate disposal operations as such proposals could conflict with carefully conceived approved restoration schemes. Such proposals in themselves could also result in unacceptable adverse environmental and amenity impacts, and they would extend the duration of disturbance to the local environment or local communities. Proposals would also need to be acceptable in traffic and transportation terms and well related to the where the waste arises. Although, disposal operations at existing sites could potentially help minimise traffic impacts if waste is backhauled to the site using existing heavy good vehicles currently serving a site, thereby helping to minimise vehicle movements.
- 8.20. In contrast to landfill, proposals for disposal via landraise will be resisted unless it can be demonstrated that the remaining available capacity at existing landfill sites is insufficient to manage disposal requirements during the proposed operational life of the landraise site. It is considered that landraise proposals could have unacceptable adverse environmental and amenity impacts on both an individual and cumulative basis. For example, such proposals could introduce a new waste use into an area, which has previously not otherwise been disturbed by waste development. That could result in the creation of landforms which would not be consistent or reflect the local topography and landscape character, could result in a significant change and/or disruption to existing land uses including ecology or could result in significant changes to local drainage which may lead to an increased surface water flood risk. To accommodate a similar quantum of inert waste to a typical landfill site in the County would require many landraise schemes. This could result in unacceptable cumulative environmental and amenity and traffic impacts over a wider area.
- 8.21. Applicants will need to include all necessary information to enable the Council to assess planning applications for inert waste disposal. It will be essential for the applicant to demonstrate that there are no unacceptable adverse impact on the environment, human health or the amenity of local communities. Proposals should meet all relevant plan policies including the requirements of Policy MW1 (General criteria for considering minerals and waste development) and Policy MW21 (Landfill and Landraise - Water Resources) and the applicable requirements of Policy MW22 (Mineral Site Restoration, Landfill and Landraise).

## **Policy MW20 - Non-Hazardous Landfill**

Proposals for the disposal of non-hazardous waste by landfill will be permitted where it can be demonstrated that:

- a. The waste to be disposed of is the residue of a treatment process and cannot be managed at a higher level of the waste hierarchy (except where pre-treatment is not feasible or necessary) and can meet the requirements of County Durham Plan Policy 47 (Sustainable Minerals and Waste Resource Management) and Policy 60 (Waste Management Provision);
- b. The proposal would not result in an over provision of capacity which could lead to the excessive importation of non-hazardous waste from outside County Durham.
- c. The proposal is supported by a scheme for the long-term management of leachate and landfill gas which seeks to ensure full recovery of energy from any generated landfill gas or where this is not technically possible maximum practicable recovery of energy from landfill gas with measures to offset residual emissions;
- d. The proposal includes a restoration and aftercare scheme, and the resulting final landform, landscaping and after-uses are sympathetically designed and enhance the natural environment and meet the applicable requirements of Policy MW22 (Mineral Site Restoration, Landfill and Landraise); and
- e. There will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities and proposals can meet the applicable requirements of Policy MW1 (General criteria for considering minerals and waste development) and Policy MW21 (Landfill and Landraise - Water Resources).

- 8.22. Historically, large volumes of non-hazardous waste (comprising household, commercial and industrial waste) have been disposed in landfill sites in County Durham. This was partly due to the number of former quarries in the County which have traditionally been restored via landfill, and which for many years was seen to be an easy and inexpensive way of managing waste. However, because of a combination of European Union (EU) policy (including through the requirements and implementation of the EU Landfill Directive and EU Waste Framework Directive), national waste policy and measures such as the Landfill Tax and local policy and strategies, including the County Durham Waste Local Plan and County Durham Municipal Waste Management Strategy, this has now changed. Aycliffe Quarry East Landfill now remains as the County's sole remaining Non-Hazardous Landfill (which also accepts hazardous waste in a specially engineered cell). As set out in the County Durham Plan it is now expected that Aycliffe Quarry East Landfill will continue in operation throughout the Plan period providing all of the County's non-hazardous landfill requirements.

- 8.23. It is expected that over the lifetime of the plan that sufficient alternative treatment solutions higher up the waste hierarchy will come on stream to manage the non-hazardous waste stream in County Durham and the Northeast, either within County Durham or in nearby adjoining areas of the Northeast. However, as outlined by in the Council's evidence base surplus non-hazardous treatment capacity in the Northeast post-2020 depends upon the finance, construction and delivery of consented energy recovery and treatment capacity. If this is new energy recovery and treatment capacity is not delivered or only partially delivered, loss of landfill void space will result in a shortfall of non-hazardous residual waste treatment/disposal capacity at regional level. Accordingly, this policy provides a basis to determine applications for new non-hazardous landfill capacity should alternative energy recovery and treatment capacity not be available and proposals for new non-hazardous landfill capacity unexpectedly come forward.
- 8.24. It is essential that all waste is managed in accordance with the waste hierarchy, and should proposals come forward they will need to demonstrate that the waste to be disposed is a residue of a treatment process and cannot be managed at a higher level of the waste hierarchy (except where pre-treatment is not feasible or necessary, e.g., for asbestos). Proposals for disposal of non-hazardous which arises from locations outside County Durham will be resisted as the creation of capacity to dispose of non-hazardous waste from other areas would not be consistent with the proximity principle.
- 8.25. Non-hazardous landfills also produce landfill gas, much of which is combustible compound methane which is a powerful greenhouse gas. One of the main aims of the EU Landfill Directive is to reduce emissions of landfill gas (methane) from landfill sites. The EU Landfill Directive requires that all landfills accepting biodegradable waste include measures to treat and use the gas. If it is not possible to use the gas for energy generation, it must be flared. Should proposals come forward they should explain how the landfill gas would be managed during the operational and aftercare of the site. The use of landfill gas to produce energy provides a potential benefit by off-setting demand for fossil fuels, and that benefit should be realised wherever possible. Non-Hazardous landfill sites also produce leachate, which is caused by water percolating through the waste. This is a potentially polluting liquid that can cause harmful effects to both surface and groundwater. Any leachate produced must be safely controlled and managed. Given that leachate can continue to be produced for many years beyond the cessation of waste disposal operations, it is important that long term monitoring would continue until levels are safe.

8.26. Applicants will need to include all necessary information to enable the Council to assess planning applications for non-hazardous waste disposal. It will be essential for the applicant to demonstrate that there are no unacceptable adverse impact on the environment, human health or the amenity of local communities. Proposals should meet all relevant plan policies including the requirements of Policy MW1 (General criteria for considering minerals and waste development) and Policy MW21 (Landfill and Landraise - Water Resources) and the applicable requirements of Policy MW22 (Mineral Site Restoration, Landfill and Landraise).

### **Policy MW21 Water Resources**

Development which could adversely affect the quality or quantity of surface<sup>42</sup> or groundwater will be required to demonstrate no unacceptable impact on the water resources both for the site under construction and the surrounding area including the water resources required for operations. Proposals must ensure the protection of water bodies throughout exploration, the working life of the site and following final restoration.

Detailed hydrological and hydrogeological risk assessments will be required to support minerals and waste planning applications.

### **Landfill and Landraise**

Proposals for landfill and landraise will not be permitted in Groundwater Sources Protection Zone 1.

For other parts of the County, a risk assessment must be conducted based on the hydrological, hydrogeological and natural character of the location as well as the nature and quantity of the wastes.

Unless it can be demonstrated that active long-term site management is not essential to prevent long-term groundwater pollution, proposals for landfill and landraise will not be permitted on or in a principal Aquifer, or within Groundwater Source Protection Zones (SPZ) 2 or 3, or below the water table in any strata where the groundwater provides an important contribution to river flow or other sensitive receptors.

### **Sewage Sludge**

Permission will be granted for proposals for the disposal of sewage sludge where it is demonstrated that the proposal:

- is in the interests of long term waste water management; or

<sup>42</sup> Including all water bodies for example rivers, canals, lakes, estuaries and coastal waters.

- is to improve operational efficiency; and
- is for sludge which is the residue of a treatment process and cannot be managed at a high level of the waste hierarchy, including recovery to produce biogas; and
- will not cause unacceptable adverse impacts on the environment, human health or the amenity of local communities.

- 8.27. This policy should be applied in conjunction with County Durham Plan Policy 35 (Water Management), Policy 36 (Water Infrastructure) and Policy 31 (Amenity and Pollution) as well as the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, Environment Agency's approach to groundwater protection (Feb 2018 V1.2) and the Environment Agency's strategy for safe and sustainable sludge use (15 July 2020) or any subsequent iterations of these documents.
- 8.28. Water is an essential resource for domestic, agricultural and industrial use and is also vital to the ecological well-being of the County's natural environment.
- 8.29. The quality of water resources is of great importance, and surface water and groundwaters, particularly in aquifers, need protection from pollution.
- 8.30. Minerals and waste developments have the potential to pollute surface and groundwater resources if operations are not effectively controlled and monitored. For example, problems can arise from surface run-off; changes to groundwater and mine water levels; extraction of water drawing pollutants from other areas of the water system; leachate from waste disposal, sludge and composting sites; the discharge of waste water and cross contamination due to flooding or accidental spills of liquid materials. This can in turn affect water quality, nature conservation interests and/or human health.
- 8.31. The east of the County lies on a major aquifer, a vital source of groundwater. The main groundwater abstraction points are numerous and subject to change. Boreholes must be constructed to prevent uncontrolled discharge of groundwater to surface, and to prevent uncontrolled discharge of water or contamination into or between individual aquifers or different geological formations.
- 8.32. The North East has a long history of mining with both shallow and deep mine workings across the County. Recent changes to the pumping of mine workings have led to changes in groundwater levels and the Coal Authority in partnership with the Environment Agency has developed a groundwater screening tool which seeks to raise awareness of a variety of mining and

groundwater constraints which could affect development. This screening tool has been introduced to provide developers and competent authorities with a better understanding of the drainage implications they will need to consider within new development proposals, and if necessary, to seek pre-consultation advice with the Coal Authority and/or the Environment Agency. The mapping and guidance document can be found on the Coal Authority webpage<sup>43</sup>.

- 8.33. Groundwater can be at risk of contamination by leachate from landfill sites, which can accumulate over many years. Due to the slow movement of groundwater through aquifers, effects of pollution will be persistent and may take a long time to manifest themselves. Groundwater pollution, if it is possible at all, may take decades to clean up, even after the source of the problem has been removed. Prevention of pollution and protection of groundwater quality and yield is of paramount importance. Waste sites can be lined and surfaces capped with impermeable material to reduce the risk of pollution. However, even with the best available engineering measures, it is impossible to eliminate risk of contamination and there may be certain areas of the County where the risk is so great as to make waste disposal unacceptable.
- 8.34. Minerals development in particular can require significant water resources in relation to operations such as irrigation and watering and will need to demonstrate that these supplies can be secured. Mineral extraction can also reduce groundwater levels in the surrounding area and run off from sites can include high concentrations of silt and mud which can cause pollution. Settling ponds are often used to help filter out mud and silt however these can bring extra considerations around aviation safety and the potential for bird strikes. In areas of flood risk, changes to ground levels, due to mineral extraction, waste landfill or landraise, can also potentially cause flood risk elsewhere.
- 8.35. All minerals and landfill and landraise planning applications will require a Hydrogeological Risk Assessment which should consider and address the risks posed to all ground and surface water resources (quality and flow) within the vicinity of the site.
- 8.36. Sewage treatment produces two by-products: a final effluent which can be returned to watercourses and sewage sludge which requires disposal. Sludge is made up of domestic and industrial effluents and surface water run-off, it mostly comes from waste water recycling centres (sewage plants) however,

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<sup>43</sup> <http://mapapps2.bgs.ac.uk/coalauthority/home.html>

some of it comes from private treatment such as package treatment plants or septic tanks.

- 8.37. Although sludge can provide beneficial amounts of organic matter and nutrients to the soil, it is important to manage sludge properly to make sure:
  - sludge treatment, storage and uses are sustainable;
  - risks to the environment, soil, plants, animal and human health are understood and addressed;
  - farmers and land managers can safely spread it to benefit land.
- 8.38. If sludge is not correctly managed and used to benefit soil, it needs to be disposed of, for example, by incineration or to landfill.
- 8.39. In response to growing waste volumes, changes to the way treated sludge is applied to agricultural land and the requirement for water companies to meet higher treatment and discharge consent standards from sewage treatment works, further sludge arisings are anticipated. Whilst we have sufficient capacity to manage this form of waste, due to potential changes to regulatory frameworks the Council will continue to work with Northumbrian Water and the Environment Agency to plan for this eventuality and allow flexibility in management provision.

## Chapter 9 - Mineral and Waste Site Restoration

### **Policy MW22 - Mineral Site Restoration, Landfill and Landraise**

Planning applications for minerals working<sup>44</sup> and for temporary waste development such as waste recovery and disposal via landfill or land raise, must include an appropriate scheme for the restoration, after-use and aftercare of the site. Proposals will be permitted where it can be demonstrated that they:

1. Will deliver high quality restoration appropriate to the site and its surroundings;
2. Minimise harm to acceptable levels and are carried out at the earliest opportunity and are progressive in nature where this can reduce impacts;
3. Are designed to mitigate the effects of the development in that location and provide appropriate environmental enhancements including net gains to biodiversity and other benefits meeting wider objectives including the delivery of nature recovery networks and other relevant plans and strategies;
4. Provide for the aftercare of the site to ensure that the land is brought up to the required standard and provide for the long-term management of areas or features where this is required to secure their benefits;
5. Make best use of onsite materials for restoration purposes and only rely on imported waste where essential to deliver a high standard of restoration in accordance with Policy MW18 (Inert Waste Other Recovery) and MW19 (Inert Waste Disposal via Landfill); and
6. Are feasible in technical and economic terms and the operator is capable of, and committed to, their delivery.

Restoration schemes for mineral, landfill and landraise sites will be secured through the imposition of planning conditions and where necessary planning obligations or other legal agreements.

- 9.1. This policy applies to all proposals for mineral working and to temporary forms of waste development such as landfill and landraise. While the focus of the policy is on mineral working, its provisions can also be applied to landfill proposals, which occur at mineral sites in the voids created by their working and to landraise sites which require the consideration of similar issues. The policy is not intended to apply to permanent facilities associated with the processing of minerals such as:
  - a) Brickworks, which in County Durham have been established in locations near to the resource upon which they are dependent.

<sup>44</sup> Including planning application relating to the review the restoration strategies/plans at existing mineral sites and new schemes of working at dormant mineral sites.

- b) Concreting plants which are located on industrial estates.
  - c) Permanent waste management facilities because such proposals do not due to require any form of restoration.
- 9.2. It is essential that all land used for mineral extraction or for landfill or landraise are restored to a high standard at the earliest opportunity and wherever possible to a positive after use which provides benefits to the local community or to the wider environment. Restoration and after use need to be seen as an integral part of any mineral, landfill or land raise proposal. Whenever possible all such land should be restored through progressive and phased restoration to minimise the period over which the land is out of beneficial use, unless it can be demonstrated that this is not practical or possible because of site characteristics or constraints.
- 9.3. Local communities may also gain reassurance, and it may reduce the number of objections to further such development, if they can see that successful restoration schemes have been delivered in the past. To ensure high quality restoration, applicants are therefore always encouraged therefore to discuss their proposals for restoration, after-use, and aftercare with the Council prior to planning applications being submitted. The Council's Planning Application Validation Checklist also requires developer led consultation on major proposals. This is considered particularly important where their proposals are near to local communities.
- 9.4. All planning applications should include sufficient information to enable the Council to determine whether the proposed approach to restoration, after use and aftercare will be acceptable, practicable and achievable within the proposed timescales. Most proposals will require the submission of all relevant details at the time the planning application is submitted. However, for some larger and longer-term sites and when a substantial change to an existing restoration scheme is proposed a restoration masterplan may be required together with the submission of further detailed restoration proposals at specified stages of the development. Following the grant of planning permission, the Council will seek to ensure that all sites are restored in accordance with the details of the agreed restoration scheme, and this will generally be required through conditions attached to planning permissions.
- 9.5. In considering planning applications for mineral extraction and landfill and landraise the Council will require the applicant to demonstrate that their technical and financial capabilities are sufficient to undertake the proposed reclamation and aftercare of the site in accordance with an agreed scheme of planning conditions. The Council will seek to ensure that adequate safeguards are in place to ensure that any breach of planning conditions can be

remedied without additional public cost. National planning policy advises that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances and further information is provided in the Planning Practice Guide.

- 9.6. Planning conditions can provide for aftercare provisions to be put in place for a period of up to five years following restoration, to successfully establish an after-use. However, there may be circumstances where it may be appropriate to extend the period for after-care and maintenance in some circumstances, for example many habitats and species may require such agreements for a period of more than five years is required for the after-use to become established and they may also be sought to secure any required or desired long-term management. Where proposals will require long term management beyond any aftercare period, this will be sought through legal agreements or the transfer of land to an appropriate body.
- 9.7. The process of restoring a site may itself have environmental impacts which would be in addition to the effects of the development itself. Any such impacts will be taken into consideration when the overall impacts of a proposal are being assessed. It will therefore be essential that applicants seek to minimise adverse impacts associated with the restoration of a site.
- 9.8. The effects of mineral extraction on the character of the local landscape and landform of a site can be the most enduring visible legacy of extraction. Proposals for minerals extraction should seek to create the restoration landforms through mineral extraction and demonstrate that an appropriate form of reclamation is viable without the need for large-scale imports of inert material. Where appropriate the former subtleties of the landform should be recreated, including minor topographical micro relief features, this will be particularly important for the working of extensive mineral deposits. Where it is either not desirable or possible to reconstruct the original topography, close attention should be paid to the integration of the new landform within the surrounding landscape, including the use of landform replication techniques such as restoration blasting. The impact of any proposed landraise will also need to be carefully considered in terms of its own impacts on the character of the local landscape and landform.
- 9.9. A successful restoration scheme often depends on the way in which soils are stripped, stored, replaced and subsequently managed. Proposals should be supported by a detailed soil handling strategy which includes details of the soil resource, storage proposals, type of machinery to be used, proposed soil profiles and treatment of soils following restoration. Where there is a shortage of soil material then every attempt should be made to recover suitable soil-

making material from the site such as through the use of excavated overburden. In certain circumstances excavated material, such as soil, or soil forming material can be used to assist the restoration of older mineral sites, if sufficient material is available without detriment to the restoration of the site itself.

## **After-Use**

- 9.10. Once sites have fulfilled their primary purpose their restoration should seek to enhance the wider environment through the delivery of beneficial after-uses. The Council considers that the development of such beneficial after-uses may also help to mitigate, in some degree, the adverse impacts of the use of the site during its operational life.
- 9.11. In preparing proposals for restoration, after-use and aftercare applicants should consider the characteristics of the site and the surrounding land uses and have regard to the requirements of all relevant plans and strategies include including but not limited to the County Durham Plan, the County Durham Landscape Strategy, the Council's Climate Change Emergency Response Action Plan, County Durham Biodiversity Plan and local nature recovery networks, County Durham Geodiversity Plan and if located within the North Pennines AONB, the AONB Management Plan and North Pennines AONB Planning Guidelines.
- 9.12. After-uses delivered through high quality site restoration can:
  - a) Assist in climate change adaptation and mitigation through a variety of measures including carbon capture, including through new woodland planting;
  - b) Assist in flood alleviation by providing for increased flood water storage capacity and improved conveyance of flood water;
  - c) Provide significant net gains to biodiversity, contributing to priority habitat creation and helping to deliver local nature recovery networks;
  - d) Create features of geological interest and help deliver the requirements of Geodiversity Action Plans;
  - e) Provide improvements to landscape character and help deliver the requirements of the County Durham Landscape Strategy;
  - f) Provide improvements to countryside access through new recreational facilities, public open space and new or enhanced public rights of way; and
  - g) Create new areas of community woodland.

- 9.13. The usual location for mineral working and other temporary waste development uses is away from urban areas, which means that most mineral workings are likely to affect agricultural land. It may be appropriate to restore land to its former character as part of the agricultural landscape. However, restoration of better-quality agricultural land to an improved standard can be problematic, especially where soils would need to be stored over a long period of time. In these cases, the Council has found that it has sometimes not been possible to restore land to its original agricultural quality because of the landform created by older planning permissions or where the final surface is below the water table.
- 9.14. County Durham Plan Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources) recognises that where mineral working is proposed on best and most versatile agricultural land, proposals should seek where practicable to minimise its loss and retain its longer-term capability unless the benefits of alternative restoration strategies outweigh its loss. Retaining the quality of agricultural land following reinstatement will require particular care in planning and carrying out of soil handling operations. Where other agricultural land is to be restored to an agricultural after-use, the restoration scheme should be designed to achieve a good standard of restoration, consistent with the former quality of the land. Even in predominantly agricultural restorations however, attention should be paid to opportunities for environmental enhancement and providing public benefit.
- 9.15. Some former mineral sites may also be restored as a landfill site using suitable imported waste materials as an intermediate stage in restoration prior to an appropriate after use. Policy MW19 (Inert waste disposal via landfill) and Policy MW20 (Non-Hazardous Waste landfill) have been prepared to provide the framework to address such proposals. It is also recognised that inert waste can assist in helping deliver restoration landforms and in instances where a proposal can be demonstrated to be other recovery, Policy MW18 will be applicable. However, whenever possible, the Council will seek to ensure that proposals for new mineral extraction seek to create the restoration landform without the importation of waste through low level restoration.
- 9.16. A separate planning application may also be required for some proposed after-uses, though this is unlikely to be the case where reclamation to agriculture, forestry, nature conservation or informal recreation not involving substantial public use is involved. The Planning Practice Guide provides guidance on the restoration and after use of mineral sites<sup>45</sup>. Additional

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<sup>45</sup> <https://www.gov.uk/guidance/minerals#Restoration-and-aftercare-of-minerals>

guidance relating to soils and minerals and waste sites can be found in Guidance for Successful Reclamation of Mineral and Waste sites (Defra, 2004) and the Good Practice Guide for Handling Soils (MAFF, 2000)<sup>46</sup>. Natural England have also published ‘Guidance on Planning and Aftercare Advice for Reclaiming Land to Agricultural Use’<sup>47</sup>. The Forestry Commission have also published guidance on Reclaiming Disturbed Land for Forestry (Bulletin 110).

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<https://webarchive.nationalarchives.gov.uk/20090317221756/http://www.defra.gov.uk/farm/environment/land-use/soilguid/index.htm>

<sup>47</sup> <https://www.gov.uk/government/publications/reclaim-minerals-extraction-and-landfill-sites-to-agriculture/planning-and-aftercare-advice-for-reclaiming-land-to-agricultural-use>

## Chapter 10 - Potential Non-Strategic Minerals and Waste Allocations

10.1. Through the policies and provisions of the County Durham Plan and the M&WDPD the Council as Minerals and Waste Planning Authority is seeking to deliver a plan-led approach to future minerals and waste development. This approach accords with the provisions of the Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan for the area unless other material considerations indicate otherwise.

### **County Durham Plan**

- 10.2. Through the strategic policies of the County Durham Plan the Council sought to ensure a steady and adequate supply of minerals over the plan period to meet society's needs. Policy 49 (Primary Aggregates Provision) of the County Durham Plan set out the scale of future aggregate working based upon the Council's Local Aggregate Assessment at the time that the County Durham Plan was prepared. The policy advised that given the extent of existing permitted reserves of magnesian limestone and dolerite that no further provision would be required over the Plan period for these two mineral types. However, a need was identified for a further 14.3 million tonnes of carboniferous limestone, which subject to acceptable planning applications forthcoming would supplement existing permitted reserves. This was considered necessary to ensure that supplies of carboniferous limestone within County Durham would not become depleted and largely exhausted over the period to 2035. Policy 50 (Locational Approach to the Future Supply of Primary Aggregates) sets out the locational approach to the future supply of primary aggregates including for any proposals for non-strategic sites in the M&WDPD and for planning applications. Policy 52 (Brick Making Raw Materials) sets out the approach to ensuring that a steady and adequate supply of brick making raw materials can be maintained. Policy 53 (Surface Mined Coal and Fireclay) and Policy 54 (Natural Building and Roofing Stone) address their relevant minerals. Finally, Policy 60 (Waste Management Provision) addresses future waste provision and within its provisions sets out the waste management capacity gap or surplus for specific waste facility types.
- 10.3. As part of work to prepare the County Durham Plan the Council also undertook a call for new minerals and waste sites. Twelve potential minerals sites were submitted for consideration and were then assessed. Following

adoption of the County Durham Plan three strategic sites for future mineral working were allocated. These three sites were for two Preferred Areas for carboniferous limestone, a 3.7 million tonne allocation to the west of Heights Quarry near Eastgate in Weardale and an 8.2 million tonne eastern extension to Hulands Quarry near Bowes in Teasdale (Policy 58) and one Strategic Area of Search for coal measures mudstone, to meet the future needs of Todhills Brickworks near Newfield (Policy 59).

- 10.4. The provisions of the County Durham Plan's strategic policies are the starting point for the consideration of potential site allocations within the M&WDPD.

## **M&WDPD**

- 10.5. One of the main functions of the M&WDPD is to identify additional areas of land in the County where mineral extraction and waste development may be acceptable and to seek to allocate that land and thereby provide a degree of certainty to both the minerals and waste industry and to local communities as to where future planned mineral working and waste development could occur.
- 10.6. At the time that the County Durham Plan was prepared the principal role of the M&WDPD was to provide a mechanism to allow consideration of what was termed non-strategic sites, these were defined as sites which were not fundamental to the delivery of the strategy of the County Durham Plan. These non-strategic sites were deemed to be sites, which are generally small sites with a limited scale of working and sales. Surface mined coal sites in the County, which have traditionally supplied customers, principally electricity generation outside of the County were not considered as fundamental to the delivery of the strategy of the County Durham Plan. In addition, through work on the M&WDPD the Council's intent was to ensure that longer term need, that is need which was not originally anticipated as being required at the time of the County Durham Plan was prepared, could also be met. Whilst longer term need was not defined in 2016 when the County Durham Plan commenced preparation, the intent was to ensure that society's needs could continue to be met towards the end of the Plan period. Meeting longer term needs for minerals and waste needs to be consistent with the requirements of national planning policy<sup>48</sup>.
- 10.7. Where possible, through the provisions of the M&WDPD, the Council will seek to ensure that this is achieved to ensure that any identified needs can be met over the life of the M&WDPD from environmentally acceptable sites. However, the submission of a planning application within an allocated site does not

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<sup>48</sup> National Planning Policy Framework (2019) and National Planning Policy for Waste (2014).

guarantee its acceptability. All planning applications within allocated sites will need to be considered in terms of the specific impacts and benefits considering the site specific and other relevant policies within the M&WDPP and the County Durham Plan taking into account all other relevant material considerations. Furthermore, it is expected that over the Plan period other planning applications for non-allocated sites may be submitted for consideration by the Council.

## **Aggregates - Sand and Gravel**

- 10.8. When the County Durham Plan was prepared (based on 2016 reserve and sales information) permitted reserves of sand and gravel in County Durham were 7.6 million tonnes providing a landbank equivalent to 26.7 years supply, with an overall demand requirement of 5.415 million tonnes and an overall positive balance of supply of 2.195 million tonnes. Accordingly, at the time that the County Durham Plan was prepared, the Council was able to demonstrate that in quantitative terms there was no need for further allocations. However, having reviewed this position, and taking account the latest Local Aggregate Assessment, it is now considered that allocations for further sand and gravel are now required to maintain a steady and adequate supply and maintain a seven-year gravel landbank.
- 10.9. This material change in position is due to several factors. Permitted reserves have been worked at a faster rate than previously expected and they have also fallen at a greater rate than was originally expected from sales alone due to a reassessment of permitted reserves due to geological circumstances. Permitted reserves of Basal Permian sand at Thrislington West Quarry have been worked more quickly and are now expected to be exhausted by 2025, which is five years before the sites planning permission ends in 2030. Similarly, the operator at Crime Rigg Quarry now advises that permitted reserves of Basal Permian sand<sup>49</sup>are now expected to be exhausted by 2029 at that site. In addition, through the Council's latest Local Aggregate Assessment we have also considered further the likelihood of inactive sites contributing to future supply and for the time being discounted the prospect of working resuming at Hummerbeck<sup>50</sup>, which is a very old sand and gravel site

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<sup>49</sup> This is an old planning permission which was originally granted in 1969. A further planning permission was granted on appeal in 1979. A new scheme of working and restoration conditions was issued on 25 November 2011 but working has never recommenced. Should working ever recommence the period of working would be 8 years (site has permission to 2042).

<sup>50</sup> This is an old planning permission which was originally granted in 1969. A further planning permission was granted on appeal in 1979. A new scheme of working and restoration conditions was issued on 25 November 2011 but working has never recommenced. Should working ever recommence the period of working would be 8 years (site has permission to 2042).

dating from 1969. The scale of overall sales has also increased because of sand and gravel working commencing at Low Harperley Quarry near Wolsingham, permitted in August 2013 and working commenced in August 2016 and the resumption of working resuming at Cold Knuckles Quarry in 2017<sup>51</sup>. Increased sales have led to an increase in the Annual Demand Requirement which is a key metric in the Council's Local Aggregate Assessment and is used to calculate forecast future need.

10.10. Table 2 sets out the position based upon 2018 reserves and sales information which have now been published in the latest Local Aggregate Assessment. Based on these calculations for the seventeen-year period from 2019 to 2035, a need for a further 2.98 million tonnes of sand and gravel has been forecast.

Table 2: Sand and Gravel Supply Forecasts (2019 to 2035)

Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (2018 reserves and sales)		Forecast period 2019 to 2035 (17 Years)
a	Permitted Reserves 31/12/18	6,474,000
b	Annual Demand Forecast in L.A.A. (2018 Reserves and Sales)	366,000
c	Demand Forecast 2019 to 2035 (17 years)	6,222,000
d	Balance between Demand and Supply (a-c)	252,000
e	7-year supply at end of plan period 2035	-2,562,000
f	Discount to reflect position at Hummerbeck	-670,000
g	Plan allocations needed (d-(e+f))	-2,980,000

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<sup>51</sup> Cold Knuckles Quarry is commonly referred to as part of the larger planning permission to which it adjoins, Old Quarrington Quarry and hence it is generally referred to as Old Quarrington and Cold Knuckles Quarry.

## **Aggregates - Crushed Rock**

- 10.11. When the County Durham Plan was prepared (based on 2016 reserve and sales data) permitted reserves of crushed rock in County Durham were 131.9 million tonnes providing a landbank equivalent of 46.8 years supply, with an overall demand requirement of 53.295 million tonnes and an overall positive balance of supply of 78.095 million tonnes. Accordingly, at the time that the County Durham Plan was prepared the Council was able to demonstrate that in quantitative terms there was no need for further allocations of crushed rock as supply could be maintained to 2035. That a ten-year rock landbank could also be maintained at 2035 and that in overall terms the County's quarries were able in overall terms to meet the scale of production required as required by the annual demand requirement.
- 10.12. Two years later the permitted reserve and landbank position have not materially changed. Combined sales in 2017 and 2018 were 6.12 million tonnes (2.636 million tonnes in 2017 and 3.484 million tonnes in 2018). At the end of 2018 crushed rock permitted reserves were reported as 122.259 million tonnes, equivalent to a landbank of 40.2 years. In addition, a further 3.7 million tonnes were permitted in June 2019 at Heights Quarry (and therefore not included within the permitted reserve and landbank figure above) and a further 8.2 million tonnes remain allocated but not permitted on land to the east of Hulands Quarry, near Bowes.
- 10.13. Therefore, the overall permitted reserve position for crushed rock at the end of 2018 was very good with a positive balance between demand and supply of 70.63 million tonnes. A large proportion estimated at 92.2 million tonnes on 31 December 2018 or 76.32% of all permitted reserves also lay within County Durham's magnesian limestone quarries. The potential of all sites to increase supply, if needed from all permitted reserves was also considered to be good. Therefore, County Durham does not need to seek to make any additional provision for crushed rock over the period to 2035 as there are sufficient reserves with planning permission to deliver supply over the period to 2035. The latest Local Aggregate Assessment advised that provision remains for a further 2.93 million tonnes of carboniferous limestone to be made to meet the County Durham Plan target of 14.1 million tonnes. However, subject to planning permission being granted to an environmentally acceptable extension to Hulands Quarry it is considered that there would be productive capacity to supply at least 800,000 tonnes of carboniferous limestone per annum thereby helping to ensure a steady and adequate supply of this mineral over the plan period to 2035 and beyond.

10.14. Previous Local Aggregate Assessments have reported that several of County Durham's crushed rock quarries are currently inactive, and some have not been worked for some years. However, the Council has been approached by the operators of several inactive quarries seeking to agree new schemes of working and restoration<sup>52</sup>. The Council is currently also considering a planning application to work two adjacent dormant magnesian limestone permissions at Tuthill Quarry, together with further quantities of magnesian limestone on adjoining land. Significantly, it should be noted that mineral extraction is expected to cease at Thrislington East Quarry in the next year which, in addition to containing large quantities of high-grade dolomite (also known as industrial dolomite), also contains a large quantity of permitted reserves suitable for aggregates use. This is because Thrislington East Quarry is restricted by legal agreement to the use of a proportion of the mineral to high grade purposes for which there is not a current demand<sup>53</sup>. However, the Council is currently considering an application to allow the continued working of aggregates at Thrislington East Quarry in the very short term (until 2022)<sup>54</sup> while the operator prepares a new scheme of working and restoration at Cornforth West and Cornforth East Quarries, thereby maintaining a continuity of supply from these quarries which are within one operator's ownership.

10.15. Previous Local Aggregate Assessments have reported the current planning permission for mineral extraction at several the magnesian limestone quarries in County Durham have end dates before 2034. These being Thrislington Quarry West in 2030, Coxhoe Quarry in 2018 and Crime Rigg Quarry in 2022. However, it should be noted that in February 2018 the Council's County Planning Committee granted planning permission to extend the period for the working of Coxhoe Quarry to 2042. In addition, the County Durham Plan is permissive towards granting planning permission for an extension of time at existing sites where permitted reserves remain at the end date of the current planning permissions.

10.16. Previous Local Aggregate Assessments have reported a degree of uncertainty over the future of County Durham's one dolerite quarry (Force Garth Quarry) which has planning permission for mineral extraction until 2042. While the

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<sup>52</sup> At Witch Hill Quarry, Cornforth West, Cornforth East Quarry and at Hawthorn Quarry.

<sup>53</sup> Following the restructuring in the steel industry in the UK, the kilns at Thrislington West Quarry, operated by Lhoist closed in 2016. Current demand for high grade dolomite in the UK is currently met by Whitwell Quarry in Derbyshire. The permitted reserves at Thrislington East Quarry are the only remaining permitted resource of this mineral within County Durham and are an important national resource.

<sup>54</sup> The Council is currently considering an application to, amongst other matters, allow a change to the working method and variation to the associated Section 106 agreement in terms of the percentage of High-Grade Dolomite removed from the site.

periodic review of this site under the Environment Act is ongoing the Council concluded a Regulation 63 Review under the Conservation of the Habitats and Species Regulations 2010 (as amended) in 2015. In February 2020 details for the working of the site over the next twenty years were approved.

### **Inert Waste Disposal**

- 10.17. County Durham Policy 60 (Waste Management Provision) identifies a capacity gap for inert Landfill and Non-Hazardous Landfill of -3,682.8 (m<sup>3</sup>x 1,000) which is qualified to only relate to inert landfill in County Durham Plan paragraph 5.587 which advises, 'In respect of inert wastes, County Durham has a key role in the Northeast region with approximately three quarters of the inert void space at the end of 2016 being in three landfill sites within County Durham. In this regard the forecasting has suggested that, based on current landfill capacity and the closure dates of existing sites, due to current consents expiring during the Plan period, capacity would be exhausted by 2032'.
- 10.18. The Council's reasoning for the non-allocation of sites is set out within the accompanying assessment document<sup>55</sup>. Should further information become available the Council will reconsider its conclusions prior to consultation on the Pre-Submission Draft M&WDPD later this year.

### **Draft Site Allocations - Sand and Gravel**

- 10.19. Two proposed site allocations, one at Thrislington West Quarry and the second at Crime Rigg Quarry are considered by the Council as being suitable for allocation.
- 10.20. The draft allocations seek to ensure a steady and adequate supply of Basal Permian sand from quarries in County Durham. Both proposed site allocations have been carefully assessed and have been found to be suitable as potential allocations, but their acceptability would also need to be tested through the consideration of individual planning applications.
- 10.21. Subject to planning permission being granted these site allocations should provide for an additional 6.71 million tonnes of Basal Permian sand. They will enable both quarries to continue to make a major contribution to the identified need for further sand and gravel working from County Durham at a rate of up

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<sup>55</sup> County Durham M&WDPD Assessments of potential Minerals and Waste sites in County Durham – submitted in response to a call for sites 2021 (June 2021).

to 240,000 tonnes per annum from these two quarries alone. Given the declining permitted reserves at both sites it is considered that these sites are both a priority for allocation. While there is no shortfall of need for magnesian limestone aggregate the deposits overlying the basal Permian sand north of Crime Rigg Quarry will also contribute to the steady and adequate supply of magnesian limestone and maintaining productive capacity. Currently, the Council is not satisfied with the adequacy of the submission or availability of Basal Permian sand at the proposed site at Old Quarrington Quarry (north) which appears dependent upon the recovery of large quantities of magnesian limestone and already contains extensive permitted reserves of limestone and sizeable permitted reserves of sand, however, this proposal will be considered further should more information become available. A significant quantity of permitted reserves also remains within Low Harperley Quarry.

#### **Policy MW23 - Site specific allocations at Thrislington West Quarry**

Proposals for the winning and working of Basal Permian sand by deepening Thrislington West Quarry within the area of land shown on Policies Map Inset Map 1, will be permitted subject to appropriate planning conditions/ planning obligations, where it is accordance with other relevant policies of the County Durham Plan and the Minerals and Waste Policies and Allocations document and specifically:

- That the site will be accessed through the current quarry access;
- That the proposal utilises existing site processing storage, plant and other infrastructure;
- That no infilling with inert waste is proposed;
- It is accompanied by an acceptable scheme of phased working and a high-quality restoration and aftercare scheme; and
- It can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.

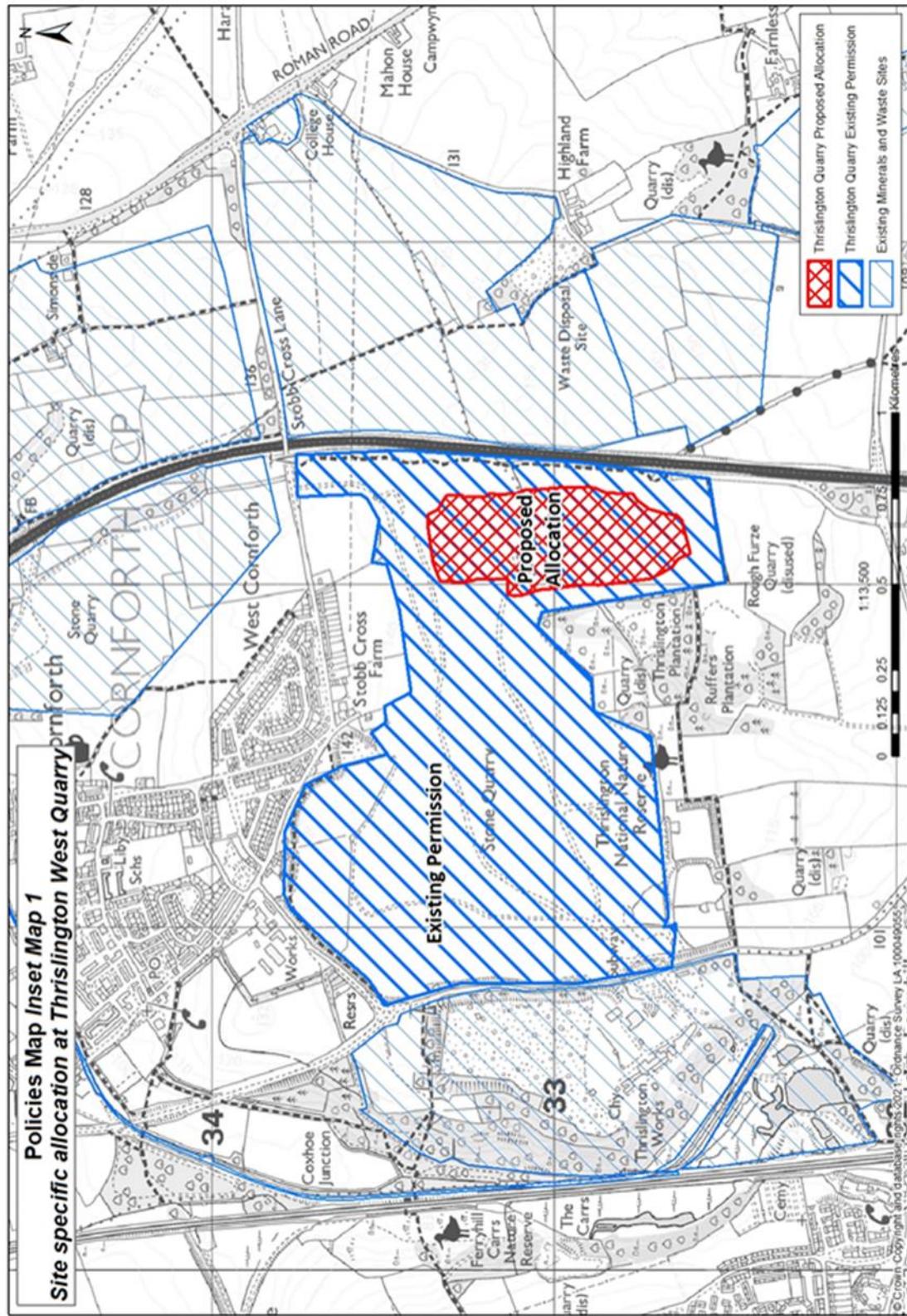
10.22. Thrislington West Quarry is a large magnesian limestone and Basal Permian sand quarry located on the Magnesian Limestone Escarpment to the south of West Cornforth and east of Ferryhill. The proposed site allocation lies within the quarry void at its eastern end adjacent to the A1(M) and would enable the extraction of 5,800,000 tonnes of Basal Permian sand at a proposed rate of 200,000 tonnes of sand per annum, which is commensurate with the current rate of sand extraction within the quarry.

10.23. The proposed site allocation would ensure the continued working of sand from this existing quarry and would be expected to extend its operation life by twenty years, depending upon annual sales meaning that the resulting end date would be circa 2045. Without these additional permitted reserves, the quarry operator reports that permitted reserves would be exhausted by 2025 although the quarry is currently scheduled to cease mineral working at the end of 2030. For many years this quarry has been the principal producer of sand within the County and without its continued production, other sources of supply would need to increase production, if it were possible to do so thereby depleting remaining permitted reserves at a faster rate in other sites.

10.24. The site allocation lies in a void of an operational quarry. The proposed site is not directly constrained by environmental designations. In particular:

- a. Landscape and visual effects - the working of sand in this area would be unlikely to result in any significant landscape or visual effects;
- b. Biodiversity – whilst the quarry lies immediately adjacent to several important international, national biodiversity sites with others in the wider locality, the working of sand in this area has been carefully considered in relation to the nearby site and would not result in adverse effects; and
- c. Water resources – the site allocation lies on the magnesian limestone and Permian Yellow Sands Principal Aquifers and the Coal Measures Minor Aquifer. The site is also underlain by coal measures which are identified by the Environment Agency as Secondary A Aquifer. The site also lies in a groundwater nitrate vulnerable zone (NVZ). Any planning application will need to demonstrate that unacceptable adverse impacts on groundwater quantity and quality do not occur and that suitable mitigation measures are in place or can be implemented. Through the preparation of a planning application detailed hydrological and hydrogeological investigation and risk assessment would be required.

Policies Map Inset Map 1 – Site specific allocation at Thrislington West Quarry



## **Policy MW24 - Site Specific Allocation Northern Extension to Crime Rigg Quarry**

Proposals for the winning and working of Basal Permian Sand and overlying Magnesian Limestone from the area of land shown on Policies Map Inset Map 2 – Northern Extension to Crime Rigg Quarry will be permitted subject to appropriate planning conditions/ planning obligations, where it is in accordance with other relevant policies of the County Durham Plan and the Minerals and Waste Policies and Allocations document and specifically:

- a) That the site will be accessed through the existing quarry access throughout the life of the extension;
- b) That the proposal includes such advance and preparatory works as are deemed necessary by the Council including perimeter mounding/ bunding and tree planting along the boundaries of the site to safeguard the local landscape, environment and amenities of the local area whilst also minimising views into the site from sensitive receptors including public rights of way, and the strategic and local highway network;
- c) The proposal utilises existing site processing storage, plant and other infrastructure until the extension has been developed sufficiently to be relocated to the extension area to help mitigate any potential adverse impacts;
- d) It is accompanied by an acceptable scheme of phased working and a high-quality restoration and aftercare scheme;
- e) That the extension delivers a range of environmental benefits, including but not limited to landscape enhancement, biodiversity and geodiversity enhancement;
- f) That no infilling with waste is proposed in the extension area; and
- g) It can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.

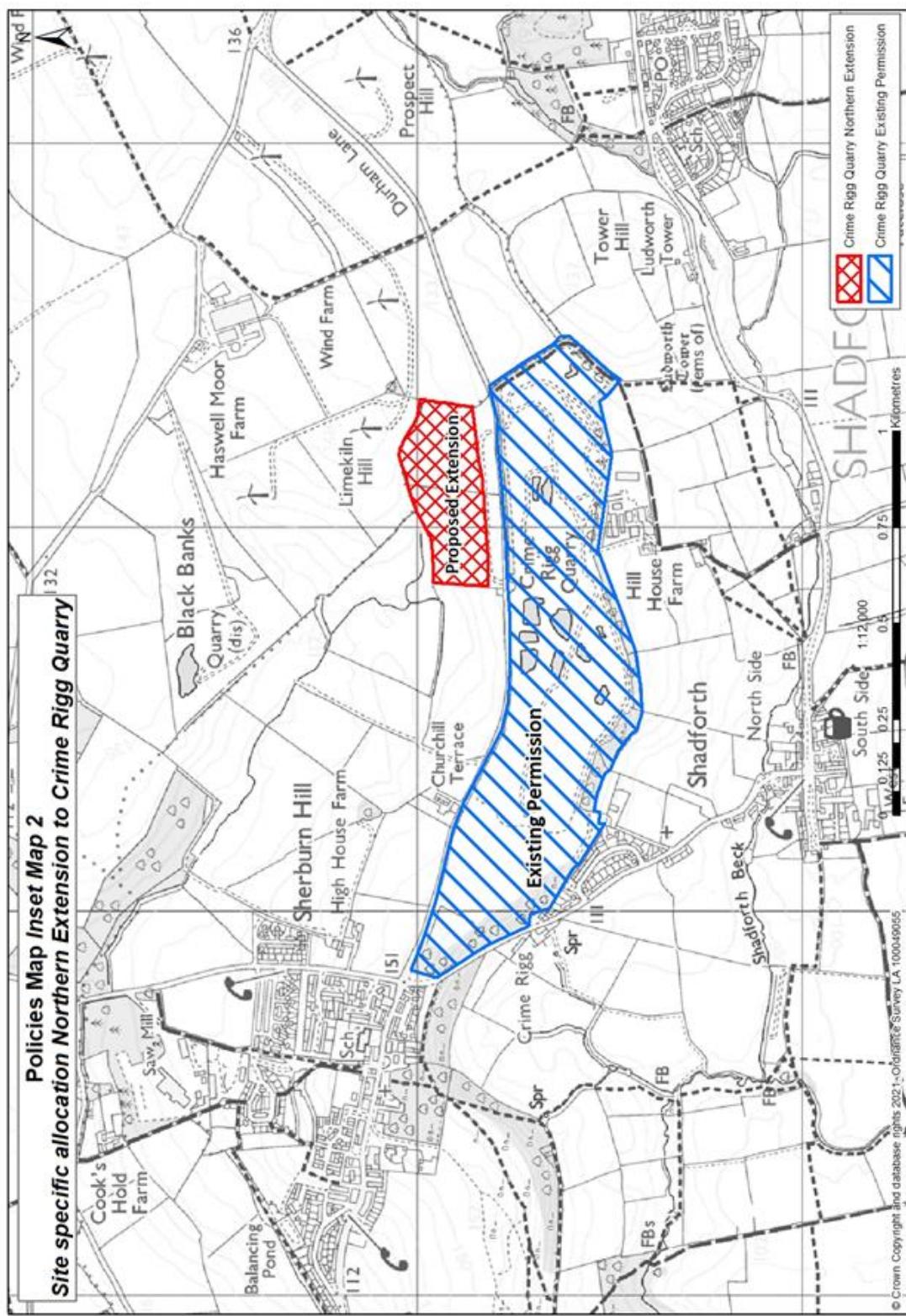
10.25. Crime Rigg Quarry North is a medium sized magnesian limestone and Basal Permian sand quarry and inert landfill site located to both the north and the south of the B1283 road on the Magnesian Limestone Escarpment to the east of Sherburn Hill, north of Shadforth and southwest of Haswell. The Council proposes to allocate a 9.5-hectare site specific extension to the north of the B1283 road to enable the extraction of 910,000 tonnes of Basal Permian sand together with an overlying quantity of 1,775,000 tonnes of magnesian limestone at an expected rate of 40,000 tonnes of sand and 100,000 tonnes of magnesian limestone per annum.

10.26. The proposed site allocation would ensure the continued working of both sand and magnesian limestone from this existing quarry and would be expected to extend its operation life by eighteen to twenty years, depending upon annual sales meaning that the resulting end date would be circa 2043/2045.

10.27. The site allocation lies in an unconstrained area of County Durham. The proposed northern extension is not directly constrained by environmental designations. In particular:

1. Landscape - the working of reserves in this area would be unlikely to result in significant landscape and visual effects subject to detailed design and particularly in respect of the use of screening landforms;
2. Visual Impacts - the site does not have high sensitivity receptors nearby other than isolated properties. The extension area would be unlikely to have significant visual effects subject to mitigation measures. Including perimeter mounding/bunding and tree planting along the boundaries of the site would safeguard the local landscape, environment and amenities of the local area whilst also minimising views into the site. Restoration could potentially develop a range of attractive features and habitats within the residual void including crags, buttresses and tailings slopes, bare ground habitat, native woodland, calcareous grassland and wetland. The effects of any operational or security lighting would need to be carefully considered;
3. Biodiversity - there are no ecological constraints on the extension area. A full ecological assessment of the site would be expected at the planning application stage. The restoration of the site should provide nature conservation benefits, providing net gains to biodiversity and meeting the aims of the County Durham Biodiversity Action Plan (BAP) and other relevant strategies;
4. Geodiversity – given the extension area shares the same geology as the existing quarry which is a geological SSSI the restoration of the site provides an opportunity for the creation of features of geodiversity interest; and
5. Water resources – the extension area lies on the Magnesian Limestone Escarpment which is a principal aquifer and the Basal Permian sand and magnesian limestone forms part of the major aquifer. The site also lies in a groundwater nitrate vulnerable zone (NVZ). Any planning application will need to demonstrate that unacceptable adverse impacts on groundwater quantity and quality do not occur and that suitable mitigation measures are in place or can be implemented. Through the preparation of a planning application detailed hydrological and hydrogeological investigation and risk assessment will be required.

Policies Map Inset Map 2 – Site specific allocation Northern Extension to Crime Rigg Quarry



## **Chapter 11 - Monitoring and Implementation Framework**

11.1. Local Plans should be monitored regularly to ensure that the policies within them are deliverable and effective and to identify whether the plan or any of its policies need to be reviewed. Following adoption, the policies set out in the M&WDPD will primarily be implemented through the development management process in terms of determining planning applications. The submission draft M&WDPD will include a full monitoring and implementation framework.

## Appendices - Appendix A: Table of Superseded Policies

Table A1 – Policies which will be superseded/replaced

<b>Saved Policy Number and Name</b>	<b>Replaced by</b>
M13 Borrow Pits	MW9 - Borrow pits
M16 Mineral Exploration	MW2 - Mineral Exploration
M17 Exploration Outside Site Boundaries	Expired
M37 Stand Off Distances	MW1 - General criteria for considering minerals and waste development
M38 Water Resources	MW21 - Landfill and Landraise - Water Resources
M40 Scope for Rail Use in Planning Applications	MW7 - Traffic and Transport
M41 Mineral Disposal Points	MW8 - Mineral Rail Handling Facilities
M42 Road Traffic	MW7 - Traffic and Transport
M43 Minimising Traffic Impacts	MW7 - Traffic and Transport
M45 Cumulative Impacts	MW1 - General criteria for considering minerals and waste development
M46 Restoration Conditions	MW22 - Mineral Site Restoration, Landfill and Landraise
M47 After uses	MW22 - Mineral Site Restoration, Landfill and Landraise
M50 On Site Processing	MW10 - Onsite mineral processing
M51 Storage	MW11 - Storage of minerals
M52 Site Management	MW22 - Mineral Site Restoration, Landfill and Landraise
W6 Design	County Durham Plan 61 and 29
W26 Water Resources	MW21 - Landfill and Landraise - Water Resources
W27 Landfill/Landraise and groundwater vulnerability	MW21 Landfill and Landraise - Water Resources
W29 Modes of Transport	MW7 - Traffic and Transport
W31 Environmental Impact of Road Traffic & W32 Planning Obligations for Controlling Environmental Impact of Road Traffic	MW7 - Traffic and Transport
W34 Site Management	MW22 - Mineral Site Restoration, Landfill and Landraise
W35 Cumulative Impact	MW1 - General criteria for considering minerals and waste development
W46 Landfill and Landraise	MW19 - Inert Waste Disposal via landfill, MW20 - Non-Hazardous Landfill
W47 Tipping on Agricultural Land	MW18 - Inert waste 'other recovery'
W50 Mining of Waste	Expired

W54 Reclamation Conditions	MW22 - Mineral Site Restoration, Landfill and Landraise
W55 After-use	MW22 - Mineral Site Restoration, Landfill and Landraise

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