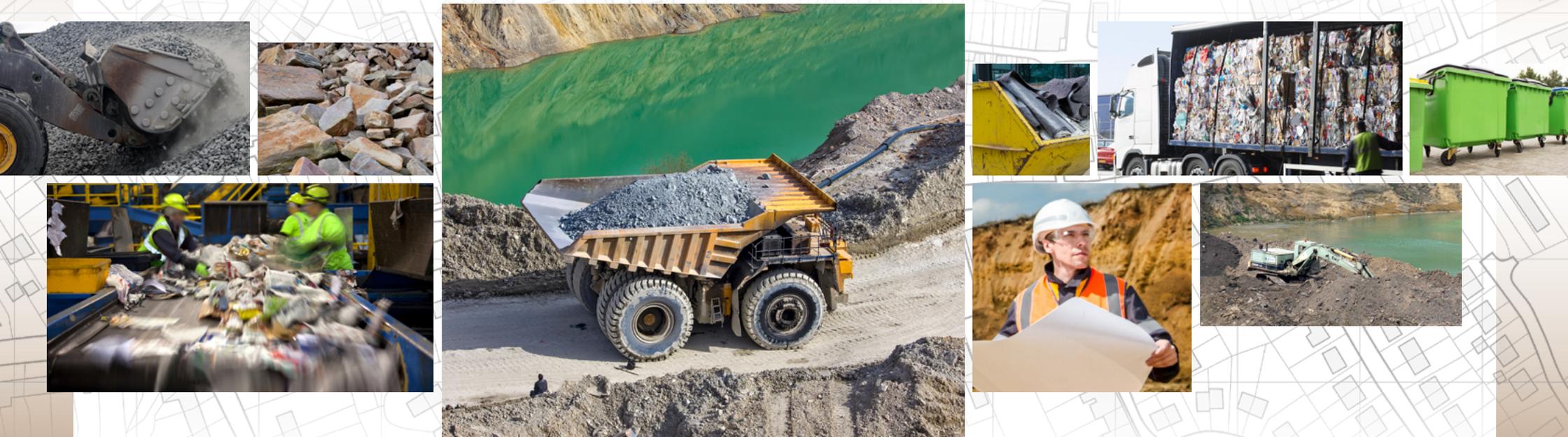


County Durham Minerals and Waste Policies and Allocations Document

Statement of Consultation Regulation 18 Draft Plan

November 2022



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Introduction

1.1 This Statement of Consultation sets out details of the consultation Durham County Council has undertaken on its emerging Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD) at its second stage of preparation under Regulation 18 of the Town and Country Planning (Local Plan) (England) Regulations 2012.

Consultation Requirements

1.2 The Statement of Consultation has been prepared in accordance with the requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012. Regulation 12 requires the council to prepare a consultation statement setting out the persons consulted when preparing a Development Plan Document (DPD), a summary of the main issues raised by those persons, and, how these have been addressed in the DPD. Key council officers, members and other stakeholders were consulted in the preparation of the DPD and as part of the public consultation process.

The Minerals and Waste Policies and Allocations Document – Consultation undertaken to date

1.3 The first stage of 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 Local Plan Document and at the same time conducted a call for new minerals and waste sites.

1.4 The second stage of consultation under Regulation 18 was undertaken between Friday 24th September and Friday 5th November 2021 when the Council consulted for six weeks on the County Durham Minerals and Waste Policies and Allocations Document Draft Plan (September 2021). This consultation was directly supported by:

- County Durham M&WDPD Assessments of potential Minerals and Waste sites in County Durham – submitted in response to a call for sites 2021 (also known as Minerals and Waste Development Plan Document Site Assessments) - This document appraises the sites proposed by the minerals and waste industry which were submitted as potential allocations in 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 at the initial first stage of consultation in January and February 2021 and the Council's response.
- Sustainability Appraisal of the Minerals and Waste Policies and Allocations Document Draft Plan September 2021; and

- Habitat Regulations Assessment Screening Report for the Draft County Durham Minerals and Waste Policies and Allocations Document.

Draft Minerals and Waste Policies and Allocations Document (September 2021) – Publicity and Engagement Undertaken

1.5 The second stage of consultation was publicised on the Council’s website on its consultation page¹, a consultation page was also prepared² which linked to the Council’s online planning consultation portal³, where copies of all the documents listed at paragraph 1.4 were available to download.

1.6 A press release was issued on 19 October 2021 (See Appendix A).

1.7 The Council also used social media, both Facebook and Twitter to provide publicity to the consultation. The Facebook story was posted at 5pm on 19 October. It was also posted on Twitter on three separate occasions (See Appendix B).

1.8 Copies of all the document listed at paragraph 1.4 were also distributed to libraries and Customer Access Points (CAPs) where they were available for reference purposes. Copies were also available on request from the Spatial Policy Team.

1.9 Statutory consultees (Specific Consultation Bodies) outlined in the Town and Country Planning (Local Plan) (England) Regulations 2012 were notified/consulted at the start of the consultation period by email. In addition, all other consultees which include a range of General Consultation Bodies outlined in the Town and Country Planning (Local Plan) (England) Regulations 2012 and other groups and individuals on the Council’s consultation database were also notified/consulted via letter or email.

1.10 The Council’s Consultation and Engagement Officer in the County Durham Partnership Team also distributed information to all of the interest groups on their circulation list, many of which fall within the General Consultation Bodies category of consultees outlined in the Town and Country Planning (Local Plan) (England) Regulations 2012, see Appendix C.

1.11 Due to the Coronavirus pandemic no in-person consultation events were held, but two Microsoft Teams Engagement events were organised where the public were invited to register and attend to find out information about the Council’s work to prepare, and contents of, the Minerals and Waste Policies and Allocations Document. These were organised for Tuesday 5th and Wednesday 6th

¹ <https://www.durham.gov.uk/article/24674/Consultations-2021>

² <https://www.durham.gov.uk/article/26303/Consultation-on-the-County-Durham-Minerals-and-Waste-Policies-and-Allocations-Document-stage-two>

³ <https://consult-durhamcc.objective.co.uk/kse/event/36490>

October. One Microsoft Teams Engagement event was also organised for the Minerals and Waste Industry on the 21st of October. At all of these events which were held a PowerPoint presentation was given followed by a question-and-answer session.

1.12 The Consultation was also publicised at the Northeast Minerals and Waste Policy Officers Group meeting on Tuesday 12th October. This is a group which is organised by Durham County Council and its membership includes all Northeast Minerals and Waste Planning Authorities and both North Yorkshire County Council and Cumbria County Council.

Responses to the Regulation 18 Statement – County Durham Minerals and Waste Policies and Allocations Document Draft Plan

The consultation process yielded 148 comments in total to the Draft Plan from 25 organisations/groups and individuals. The responses which were received are set out below by each chapter, policy and paragraph of the Draft Minerals and Waste Policies and Allocations Document. Please note because of further policy development and through making changes in response to the comments received both the policy and paragraph numbering of the Publication Draft Plan (November 2022) will differ from that of the Draft Plan (September 2021). Details of additional correspondence with key Specific Consultation Bodies following consultation on the draft plan is set out in Appendix D.

Chapter 1: The Minerals and Waste Policies and Allocations Document

Northumberland County Council: Northumberland County Council are grateful for the opportunity to comment on the County Durham Minerals and Waste Policies and Allocations Document. The Council supports the principle of allocations for aggregates to ensure County Durham continues to contribute to supply to help meet local and regional needs and have not identified any cross-boundary issues that require further discussion.

Durham County Council Response: Support for the principle of allocations and confirmation that no cross-boundary issues require discussion is noted.

North Yorkshire County Council: North Yorkshire County Council Planning Department have no comments to make in relation to the Minerals and Waste Policies and Allocations Development Plan Document. There are currently no unresolved cross boundary issues and so the Duty to Cooperate has been achieved.

Durham County Council Response: Confirmation that there are no unresolved cross boundary issues and the Duty to Cooperate has been achieved are noted.

Sunderland City Council: Thank you for the opportunity to comment on the above consultation. We welcome the preparation of the Minerals and Waste Policies and Allocations Document, and the general aims of the Draft Plan. We welcome allocations for sand and gravel where this has been identified as being required to meet need identified in the Local Aggregates Assessment. We welcome policies which allow consideration of waste facilities where appropriate. The recognition of the interconnected movements

of minerals and waste with the Tees Valley is welcomed and we welcome the opportunity to continue to co-operate with Durham County Council.

Durham County Council Response: Support noted to general aims, allocations for sand and gravel and waste policies.

Redcar and Cleveland Borough Council: Thank you for the opportunity to comment on the above consultation. We welcome the preparation of the Minerals and Waste Policies and Allocations Document, and the general aims of the Draft Plan. We welcome allocations for sand and gravel where this has been identified as being required to meet need identified in the Local Aggregates Assessment. We welcome policies which allow consideration of waste facilities where appropriate. The recognition of the interconnected movements of minerals and waste with the Tees Valley is welcomed and we welcome the opportunity to continue to co-operate with Durham County Council.

Durham County Council Response: Support of general aims, allocations for sand and gravel and waste policies noted.

Historic England: General Comments. We support the preparation of the local plan which will form part of the development plan for County Durham. The plan does not contain specific policies on managing change within the historic environment. However, the County Durham Plan (adopted 2020) does contain a number of policies on the historic environment including policy 44 (Historic Environment), policy 45 (Durham Castle and Cathedral World Heritage Site) and policy 46 (Stockton and Darlington Railway). When making decisions on planning applications the plan will be read as a whole and this will include considerations of all relevant policies in the development plan including the historic environment policies aforementioned.

Harm to heritage assets - Many of the draft policies in the plan refer to unacceptable adverse environmental impacts. We note from the Sustainability Appraisal explains that such a policy requirement will mean that substantial harm is avoided whilst we support this we are somewhat concerned by the absence of any mention of less than substantial harm. Less than substantial harm is likely to be the level of harm that that arises from the impact of the majority of waste and minerals proposals where there an impact on the significance of a heritage asset. This because substantial harm is a very high bar only likely to be present in the most serious of cases such as the total loss of a heritage asset. However, it is important that less than substantial harm is not seen to have the same meaning as a less than substantial objection (see *Bedford Borough Council v Secretary of State for Communities and Local Government*, Nuon UK Ltd [2013] EWHC 2847 (Admin)).

Paragraph 199 of the NPPF requires great weight being given to the conservation of a heritage asset (and the more important the asset, the greater the weight should be) irrespective of the level of harm to its significance.

Any harm will require a clear and convincing justification (NPPF paragraph 200). Where a development proposal would lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF paragraph 202). In light of the above, there are likely to be instances where a proposal would result lead to a less than substantial harm to a heritage asset, and after weighing the public benefits of the proposal, the less than substantial harm would outweigh any public benefit. Such a proposal should therefore be deemed unacceptable. It is our view that there is sufficient provision within the development plan through policy 44 of the adopted County Durham Plan that any proposals will be assessed in this way. The caveat within the policies in the Minerals and Waste plan that states that proposals will not be supported where there is unacceptable adverse environmental impact does not lie contrary to this. Therefore, we do not object to the wording of the policies in the draft plan in this regard but are instead concerned with the way they may have been interpreted in this context within the Sustainability Appraisal.

Detailed comments - Our detailed comments may be found at Appendix A to this letter. Our comments on the Sustainability Appraisal may be found at Appendix B.

Durham County Council Response: Support noted. Detailed comments noted, and in particular that Historic England do not have any objections to the wording of the policies in the Draft plan. Comments made by Historic England to the Sustainability Appraisal have been responded to on page 119-224. Wording has been revised accordingly to reflect the comments which have been made.

The Coal Authority: As you will be aware our records indicate that there is Surface Coal Resource present in the Durham area. We have previously responded to an enquiry regarding implementing safeguarding and prior extraction of coal in an email to Mr [Redacted], at the LPA dated 22 February 2021. It should be noted that although the Coal Authority's records may indicate that surface coal resource is present on the site, this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. The data we have access to is not so refined and the depth and quality of "surface coal" resources may vary significantly. We also appreciate that our records are only one of a number of information sources that you may review before identifying your mineral safeguarding areas. With national policy for a low-carbon future in mind, in January 2021 it was agreed corporately that although we will continue to provide the GIS surface coal data to authorities, all decision making regarding the safeguarding of surface coal will lie with the responsible authority. We will therefore no longer be

requiring those authorities with responsibilities for minerals to specifically include surface coal resource within Mineral Safeguarding Areas. We will leave this decision to the relevant authority in recognition of their superior knowledge and understanding of local circumstances and responsibility for local environments and communities. This does not detract however from our view that prior extraction of coal seams and shallow workings can be a valuable remediation tool in ensuring the safety and stability of a site. I can confirm that the Planning team at the Coal Authority have no specific comments to make on the Minerals and Waste Policies and Allocations Development Plan Document.

Durham County Council Response: Comment noted. The safeguarding of coal resources and prior extraction are addressed by County Durham Plan Policy 56 (Safeguarding Mineral Resources).

Health and Safety Executive: HSE is not a statutory consultee for local and neighbourhood plans or Minerals and Waste Development Plans. If there is a nuclear installation within or nearby your local plan area we recommend you contact the Office of Nuclear Regulation. HSE has provided Local Planning Authorities (LPAs) with access to its LUP Web App <https://pa.hsl.gov.uk/> and downloadable GIS consultation zones. These tools alongside HSE's published methodology (<http://www.hse.gov.uk/landuseplanning/>) can assist you in ensuring that land allocations do not conflict with major hazard sites and pipelines, licenced explosives sites and nuclear installations. Your attention is drawn to the planning policy guidance provided by your central planning departments in England, Scotland and Wales. For England: <https://www.gov.uk/guidance/hazardous-substances> in particular paragraphs 65 to 69 which explain an LPAs responsibilities when taking public safety into account in planning decisions and formulating local plans.

Durham County Council Response: Comment noted.

Marine Management Organisation: Minerals and Waste Local Plans and Local Aggregate Assessments. If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The Marine Policy Statement (MPS), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry.
- The National Planning Policy Framework (NPPF), which sets out policies for national (England) construction mineral supply.

- The minerals planning practice guidance which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The national and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period, including marine supply.

The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions - including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have - particularly where land-based resources are becoming increasingly constrained. If you wish to contact the MMO regarding our response, please email us at consultations@marinemanagement.org.uk or telephone us on [Redacted]

Durham County Council Response: Comments noted. Existing County Durham Plan Policy 49 (Primary Aggregates Provision) set out the Council's commitment that throughout the Plan period a steady and adequate supply of primary aggregates will be maintained and how this will be achieved. In particular, this policy advised that "The capability of County Durham to maintain a steady and adequate supply of aggregates will be monitored through the collection of annual sales and permitted reserves information and will be reported through the council's Local Aggregate Assessment and the Annual Monitoring Report". The Council's Local Aggregate Assessment which has been prepared jointly with Council's in both Northumberland and Tyne and Wear considers supply of aggregate minerals including both marine dredged sand and gravel and crushed rock imported by sea. Whilst County Durham does not have a marine wharf within its area, it has sought to safeguard land at the Port of Seaham through the provisions of County Durham Plan Policy 48 (Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites).

National Highways: The SRN (Strategic Road Network) within County Durham comprises the following routes: The A1(M) provides a north-south link through the east of the county ultimately connecting the south of England with the Scottish border; The A19 provides a north-south link through the county starting north of Doncaster and ending at Seaton Burn; and The A66 provides an east-west link from the A1(M) at Scotch Corner to Workington on the west coast.

It is therefore crucial that the Minerals and Waste P&A ensures that future minerals and waste development sites do not hinder the operation of these elements of the SRN. The two site specific allocations included in the Minerals and Waste P&A are reviewed below, with particular consideration towards information given on pages 66-74 and 30-39 of the supporting document, 'Minerals and

Waste DPD Site Assessments'. National Highways requests notification of any future significant site allocations so that further site-specific consultation can be conducted if necessary

Policy Considerations - It is important to assess the Minerals and Waste P&A against DfT (Department for Transport) Circular 02/2013, which makes several recommendations regarding the delivery of local plans. Section 12 of Circular 02/2013 stresses the importance of local plans incorporating measures to minimise trip generation at source, which can have environmental benefits and reduce costs arising from the impacts of traffic generation. Therefore, the Minerals and Waste P&A should robustly ensure that site allocation decisions take potential traffic generation into account.

Sections 14 and 15 state that developments should be planned so as not to compromise the fulfilment of the primary purpose of the SRN, and that, in this case, National Highways will work in conjunction with DCC to understand the transport implications of development options, with regards to the capacity and safety of road links and junctions. National Highways will therefore seek to assess and appraise future minerals and waste site allocations with regards to their impacts on the SRN, as part of future planning application processes. Section 17 also explains how National Highways will work with DCC to identify opportunities for demand management measures, which may be necessary in this context due to the large volumes of HGV traffic associated with minerals and waste sites.

Finally, sections 18 and 19 set out how, in this case, National Highways will work with DCC to consider capacity enhancement where necessary, in order to facilitate relevant developments and mitigate their impact on the SRN. If a potential capacity need is identified, National Highways will assist in providing a comprehensive review of the scheme's viability in conjunction with DCC.

Further Information: National Highways would request that further information is provided regarding traffic management plans and the specific impacts of future minerals and waste site operations on the surrounding road network (i.e. site-specific transport assessments or operational management plans). Such information would help both National Highways and DCC to make more informed decisions regarding the strategic need for future minerals and waste site allocations, as well as their impacts on both local roads and the SRN. Summary On the basis of the above, National Highways is generally supportive of the Minerals and Waste P&A, given the information contained in the draft document submitted by DCC for consultation. However, we would request that National Highways is notified by DCC regarding future site allocations that are either in the vicinity of the SRN or are likely to generate trips on the SRN, so that National Highways can prepare and provide formal responses to be submitted during any relevant planning application processes.

Durham County Council Response: Support welcomed.

Regarding section 12 of Circular 02/13, it is important to note that minerals can only be worked where they naturally occur and in relation to the waste matters set out in chapter eight of the DPD, that scope for disposal of inert and non-hazardous waste are dependent upon the availability of suitable voids. As a result, in location terms opportunities to 'identify and support a pattern of trip generation at source' and 'minimise journey lengths' are not directly comparable to other forms of development, such as those associated with employment, shopping and education. Where it is has been possible to do so, the County Durham Plan has set out locational guidance on where future mineral working should be guided to, based upon environmental considerations. Nonetheless, the Council considers that most of the mineral resources which are currently worked today, and locations for waste disposal, are well related to the local and strategic highway network and the major centres of demand for aggregates and sources of waste, within both County Durham and the Northeast. This includes both allocations identified within the Draft Minerals and Waste Policies and Allocations document. In terms of promoting sustainable transport solutions through Local Plans the document recognises the reality that, "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"; and that "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". Nonetheless, Policy MW7 (Traffic and Transport) seeks to encourage sustainable modes and low or zero emission vehicles, where practical and economic. Policy MW8 is permissive towards new mineral rail handling facilities.

Regarding the comments in relation to section 14 and 15 of Circular 02/13. The Council have considered National Highways comments on the proposed allocations in the section of this document relating to those allocations, within chapter 10 of the Draft Plan. The traffic and transportation aspects of both proposed allocations have been considered in Minerals and Waste Development Plan Document Site Assessments (September 2021) and are based upon an understanding of the permitted HGV movements associated with the existing planning permissions at Crime Rigg Quarry and Thrislington West Quarry and levels of future mineral extraction/waste development, which are below recent historic levels. Accordingly, no additional Transport Assessments will be prepared as part of the preparation of the Minerals and Waste Policies and Allocations document for these two sites. However, it is envisaged that Transport Assessments will be prepared to any future planning applications related to both of the proposed allocations.

Regarding section 18 and 19 of Circular 02/13 the Council is not aware of any need for capacity enhancements to deliver the allocations within the Minerals and Waste Policies and Allocations document and are currently satisfied that the traffic and transportation merits of both allocations are acceptable.

The Council undertook further dialogue with National Highways during April and May 2022 (see Appendix D). Through this process:

- National Highways has confirmed that they have “no objection to the proposed allocations at Thrislington West Quarry or Crime Rigg Quarry in principle, provided that the information contained within the Minerals and Waste P&A is accurate”. As a result of this comment the Council has sought to include further information on anticipated vehicle movements associated with all operator proposed sites within the site assessment document.
- National Highways also outlined their “request that formal transport assessments are provided for review as part of any future planning applications, so that we are able to provide a formal consultation response”. National Highways advised, “Moreover, although SRN junction or mainline capacity enhancements may not be necessary in order to deliver the two site allocations, we would nonetheless appreciate the opportunity to formally review trip generation and distribution in response to a formal transport assessment for each of the sites”. National Highways also advised, “Finally, although National Highways notes DCC’s assertion that either any individual site allocation or the cumulative impacts of multiple site allocations would not necessitate mitigation measures with regards to the safe and efficient operation of the SRN, we are mindful of the impacts of other developments within the County Durham area that could also impact upon the SRN. As noted above, we would request that formal transport assessments are produced for the Thrislington West and Crime Rigg sites (as well as any other site allocations being brought forward) so that the trip generation and distribution impacts can be formally assessed. The outcome of any such transport assessments may also influence DCC’s Infrastructure Delivery Plan”. The Council can confirm that formal Transport Assessments will be undertaken at the planning application stage in accordance with CDP Policy 21 (Delivering Sustainable Transport) and emerging Minerals and Waste Policies and Allocations Policy MW7 (Traffic and Transport).
- National Highways advised, “Despite the fact that both allocations relate to extensions of existing operational minerals/waste sites, there would nonetheless be some level of impact on the capacity and safety of road links and junctions associated with the SRN. Therefore, the site allocations should consider the minimisation of trip generation at source (rather than simply the understanding of trip generation), although we partly agree with DCC insofar that the levels of traffic associated with the sites and their distance from the SRN do not necessarily mean that the operation of the SRN will be compromised”. As a result of this comment the Council has sought to add further content to the site assessment document to consider the minimisation of trip

generation at source. In relation to the proposed allocation for a northern extension to Crime Rigg Quarry, the site assessment document advises, "Given that minerals can only be worked where they are found it is considered that the scope for the minimisation of trip generation are limited. However, many mineral sites also process minerals and this occurs at Crime Rigg Quarry which contains a ready mixed concrete plant, thereby limiting the movement and transport of aggregate to alternative facilities for processing. Subject to measures to prevent contamination, Crime Rigg Quarry does, however, provide opportunities to minimise the number of journeys for the transport of aggregates and inert waste, through the back hauling of inert waste into the quarry using the lorries which were used to transport aggregates from the quarry." In relation to the proposed allocation at Thrislington West Quarry the site allocation document advises, "Given that minerals can only be worked where they are found it is considered that the scope for the minimisation of trip generation are limited. However, the key feature of Thrislington West Quarry which may minimise trip generation is that the quarry is connected to the East Coast Mainline (via spur and rail loading facility) which provides opportunities for the long-distance transport of aggregates to locations geographically distant from County Durham by rail. Previously Tarmac have advised that a proportion of the Basal Permian sand is likely to be transported from the site via the existing railhead and this remains a prospect in the future."

- National Highways views were sought on other potential allocations and have again requested that formal transport assessments are provided for review by National Highways as part of any formal planning application processes related to the sites. The Council can confirm that formal Transport Assessments will be undertaken at the planning application stage in accordance with CDP Policy 21 (Delivering Sustainable Transport) and emerging Minerals and Waste Policies and Allocations Policy MW7 (Traffic and Transport).

Tarmac: Thank you for allowing us opportunity to comment upon the above consultation document. We are making representations on behalf of Tarmac Trading Ltd (Tarmac) who have mineral and waste interests within the Plan area. These representations begin with a summary of site interests and provide additional/supplementary information on sites that have been promoted for consideration as potential allocations. These comments seek to address some of the comments made within the Site Assessment Summary document prepared by the Council which supports this consultation. The letter then makes comments on the specific elements of the Plan document for your consideration for future iterations of the Plan. Tarmac welcomes the opportunity for continual engagement and open discussion regarding the content of this letter. If further information regarding the site proposals is required, please do not hesitate to get in touch. Tarmac land interests within County Durham include:

- Thrislington Quarry East and West - Industrial Limestone and Basal Permian Sand. Thrislington Ancillary - RMX, Aggregate Recycling Facility and Active Rail Siding. Also, Aggregate Bagging Plant currently closed.
- Old Quarrington/Cold Knuckles - Limestone and Basal Permian Sand. Also, Inert Infill.
- Old Quarrington Aggregate Recycling Facility
- Cornforth West and Cornforth East - Limestone
- Hawthorn Quarry - Industrial Limestone (closed)
- Harrowbank and Ashby Quarry - Limestone (closed)
- Coxhoe Asphalt Plan (within the wider Coxhoe/Raisby Quarry)
- Seaham - Cement Distribution Hub

Durham County Council Response: Tarmac's comments on specific areas of the Draft Plan are addressed in relevant chapters below.

Durham County Council Overview and Scrutiny Committee: In relation to the seven key non- strategic objectives of the plan of Ensuring High Environment Standards; Sustainable Transport; Other Minerals of Local and National Importance; 'Other Recovery' and Disposal of Inert Waste; Restoration; Community Involvement and Allocations no comments have been received from members of the ESC and E&E OSCs. Concerning the twenty-four minerals and waste specific policies included in the draft plan to address:

- Detailed development management matters related to the control of minerals working and waste development such as noise, dust, blasting vibration, traffic and transport matters and the restoration of mineral and some waste sites;
- a number of economically important mineral types not addressed in the County Durham Plan including oil and gas and the extraction of vein minerals and Lithium; and
- Waste Disposal and Recovery of inert waste.

No comments have been received from members of the respective committees.

Following a call for new minerals and waste sites earlier this year, the Draft Plan also includes two allocations for further mineral working which will help ensure a continued supply of construction materials. These are a northern extension to Crime Rigg Quarry and a deepening of Thrislington West Quarry. Both of these allocations are considered essential to ensure a steady and adequate

supply of sand and gravel commensurate with the requirements of the Council's current Local Aggregate Assessment. Subject to planning permission being subsequently granted these site allocations should provide for an additional 6.71 million tonnes of basal Permian sand. Again, no comments have been received from members of the respective committees.

The Chair of the E&E OSC responded that in relation to the draft plan, he had no comments to make and deferred to the experience and knowledge of the officers in preparing the plan.

Durham County Council Response: Comments noted.

County Durham Green Party: We dispute the statement that 'waste-from-energy', otherwise known as incineration, should be placed further up the 'waste hierarchy' than landfill waste. A large portion of household waste consists of plastics, synthesised from oil, so this is a roundabout way of burning fossil fuels for energy that already accounts for 6% of the UK's carbon emissions. It is this likely inconsistent with the UK governments commitments under the Climate Change Act and the Paris Agreement, and County Durham's commitments under its declaration of a Climate Emergency. Or to put it another way, whereas landfill sends the waste underground, incineration sends it into the atmosphere.

Durham County Council Response: A number of Government publications explain the Waste Hierarchy which is now a well-established component of planning policy including the Waste Management Plan for England, National Planning Policy for Waste (NPPW), Planning Practice Guide (Waste). In particular, the Government's Waste Management Plan for England 2021 explains:

- The “waste hierarchy, which ranks options for waste management, has driven some progress towards better use of our resources. Priority goes to preventing the creation of waste in the first place, followed by preparing waste for reuse; to recycling, and then recovery. Disposal – in landfill for example – is regarded as the worst option. To date we have increased our rates of recovery and recycling and generated much more energy from waste”.
- The Government are “targeting energy from waste incinerators to produce heat for heat networks as this substantially reduces their emissions by making use of the otherwise wasted heat to displace gas boiler heating” and that they wish “to work closely with industry to secure a substantial increase in the number of energy from waste plants that are formally recognised as achieving recovery (R1) status, and to ensure all future energy from waste plants achieve recovery status. To deliver net zero virtually all heat will need to be decarbonised and heat networks will form a vital component of this. Energy from waste has a

role to play in supplying this heat, but currently only around a quarter of energy from waste plants operate in combined heat and power mode, despite most being enabled to do so. We want to see this number increase”.

- “The government supports efficient energy recovery from residual waste – energy from waste is generally the best management option for waste that cannot be reused or recycled in terms of environmental impact and getting value from the waste as a resource. It plays an important role in diverting waste from landfill. In 2016, 6.2 million tonnes of residual waste were disposed of in energy from waste facilities. The Resources and Waste Strategy promotes the greater efficiency of energy from waste plants through utilisation of the heat generated in district heating networks or by industry, and by seeking an increase in the number of plants obtaining R1 recovery status”.

The Green Party’s comments refer to plastics. Government policy on plastics is set out in “Our Waste, Our Resources: A Strategy for England” December 2018. The Strategy identifies plastics waste as a priority material to focus on. This is because of its complexity as a material and environmental impact. It advises that most plastic packaging waste arisings (1.5 million tonnes) come from packaging used in the consumer sector (households for example). It includes items such as plastic bottles (over a third of all consumer plastic packaging waste arisings), food packaging etc. It also advises that plastics recycling levels remain low. In relation to concerns about plastics, it should be noted that County Durham already contains a state-of-the-art plastics recycling and processing plant at Seaham. Prior to the planning application for the Seaham facility being approved in 2018 Members were advised that annually, “the UK uses 13 billion plastic bottles but only 7.5 billion are currently recycled and the remaining 5.5 billion are sent to landfill, incinerators, or left to litter our land and waters”. The Seaham facility is capable of recycling over 1 billion bottles a year and has therefore made a substantial contribution to increasing the UKs plastic recycling capabilities.

County Durham Green Party: We are not convinced that these aforementioned commitments are considered as fully as they need to be in the sections on planning permissions for mining of building materials and of fossil fuels. These climate change commitments (as well as the need to reduce the output of disposable plastics) on a global level imply that most known fossil fuel reserves must be left in the ground. Carbon emissions from cement and similar building materials must also be eliminated, either by considerable changes in their formulations or by moving to alternative building materials. It follows that there is a risk in both areas that the planning permission could be granted for projects that cannot be fully exploited while maintaining our local, national, and international climate change commitments. This could have two detrimental effects:

a) Once a large investment has been sunk into an extraction project, there is a considerable economic incentive to maximise revenue by selling as much of the resource as possible, even at a cheaper than hoped-for price. This could seriously damage our ability to keep our climate change commitments.

b) If the sites are closed down earlier than planned due to a lack of market for their materials, that will damage the livelihoods of the workers and contractors associated with the projects and their communities, and also the ecology of the area if there are then no funds available for restoration projects.

We therefore request that greater weight is given to climate change commitments and future decarbonisation plans when approving all projects (and this may also cast some applications in a more positive light).

Durham County Council Response: The Council is required by Section 17 of the National Planning Policy Framework to facilitate “the sustainable use of minerals to ensure that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.” The National Planning Policy Framework is clear that the planning policies should:

- provide for the extraction of mineral resources of local and national importance (NPPF paragraph 210),

that Minerals planning authorities should:

- maintain supply by planning for a steady and adequate supply of aggregates (NPPF paragraph 213)
- plan for a steady and adequate supply of industrial minerals (NPPF paragraph 214),
- plan for oil and, gas and coal exploration and extraction (NPPF paragraphs 215 to 217).

This guidance within the NPPF, relating to mineral supply, has been published in association with guidance within the National Planning Policy Framework relating to meeting the challenge of climate change (NPPF section 14). The Council recognises the importance of meeting the challenge of climate change and where it has been possible and appropriate to do so the Minerals and Waste Policies and Allocations document addresses climate change, however, this is within the context allowed by the provisions of NPPF section 14. The emphasis within NPPF section 14 is “mitigating and adapting to climate change” and there is no reference or requirement to restrict the supply of minerals needed by society on climate change grounds. The Council cannot seek to restrict the supply of the materials that the country needs on climate change grounds, or the use of these materials by industries who will have their own plans to decarbonise and in accordance with wider UK Governmental strategy such as set out in the UK’s Net Zero

Strategy: Build Back Greener (December 2021), Industrial Decarbonisation Strategy (March 2021) and Transport decarbonisation plan (July 2021). An example of how the planning system operates within a wider context is transport. In November 2021 the Government announced that the UK will become the first country in the world to commit to phasing out new, non-zero emission heavy goods vehicles weighing 26 tonnes and under by 2035, with all new HGVs sold in the UK to be zero emission by 2040⁴.

In relation to the restoration of mineral sites and restoration funds. Policy MW22 (Mineral Site Restoration, Landfill and Landraise) addresses the restoration of mineral, landfill and landraise sites. Government policy requires that Mineral planning authorities should address any concerns about the funding of site restoration principally through appropriately worded planning conditions. Therefore, all mineral planning permissions have detailed planning conditions relating to restoration and aftercare requirements related to approved documents and these are regularly updated where necessary through the periodic review of mineral sites permissions. Depending upon specific circumstances sites are conditioned to require restoration either progressively or once mineral working has ceased. Conditions can also be used to require an interim restoration scheme if mineral extraction is suspended for a specific duration or full restoration if mineral extraction is discontinued prior to the full working of a site. The supporting text to this policy explains that “Whenever possible all such land should be restored through progressive and phased restoration”; “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”; that “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”. The supporting text to this policy also explains that “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 upon how mineral planning authorities should deal with any concerns about funding and when a financial guarantee is justified.”

County Durham Green Party: Where mention is made of oil and gas producers mitigating their carbon emissions, it is not clear to us which emissions this refers to; whether it is only the emissions produced in the mining process or the emissions of the final product. If the former, this is somewhat tokenistic. However, we would ask that this explicitly includes a realistic, external assessment of any unplanned greenhouse gas emissions: for instance, gas flaring, leaks of methane, or leakage from any possible carbon capture and storage systems.

⁴ <https://www.gov.uk/government/news/uk-confirms-pledge-for-zero-emission-hgvs-by-2040-and-unveils-new-chargepoint-design>

Durham County Council Response: The reference referred to relates to only emissions produced in the extraction process and not the final product. In relation to the second point where proposals require an Environmental Impact Assessment. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require at point 5 “A description of the likely significant effects of the development on the environment resulting from, inter alia: the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;”.

Chapter 2: Overview of Minerals and Waste in County Durham

Tarmac: Paragraph 2.2 should make a distinction within the breakdown of aggregates that the County contains basal Permian sand reserves. These deposits contain a grade and consistency of sand which is often not available in significant or enough within glacial sand and gravel deposits.

Durham County Council Response: It is intended that section 2 of the Minerals and Waste Policies and Allocations document provides an overview of Minerals and Waste in County Durham. However, to make a distinction between different types of sand and gravel, paragraph 2.2 of the Draft Plan has been amended and reference has been added following “sand and gravel” to “(basal Permian sand, fluvial and glacial sand)”. A new paragraph has been added to qualify that, “Further information on the geology of County Durham and its mineral resources are set out in the Council’s Minerals Technical Paper (2019) and the Council’s Local Aggregate Assessment.”

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

County Durham Green Party: Chapter 3: Under Climate Change, the impact of the use of extracted materials, e.g., for cement, and its inclusion in the overall footprint of the County's carbon needs to be clearer.

Durham County Council Response: In considering the acceptability of proposals the Council will seek to assess the environmental effects of the proposed development for which planning permission is being sought i.e. the development of land and the environmental effects of that development and its operation. It is not necessary for the Minerals and Waste Policies and Allocations Document to address the downstream impacts of extracted materials at the point of their end use. Sites or facilities which use the extracted materials, where planning permission is required, will either have received planning permission in the past or will need planning permission. The emphasis with the NPPF is “mitigating and adapting to climate change” and there is no reference or requirement to restrict the supply of minerals required by society on climate change grounds. It is therefore not the role of the Council to restrict the supply of the materials that country needs on climate change grounds or the use of these materials by

industries who use minerals and who will have their own plans to decarbonise in accordance with the UK's carbon budgets and in accordance with wider UK Governmental strategy as set out in the UK's Net Zero Strategy: Build Back Greener (December 2021)⁵, Industrial Decarbonisation Strategy (March 2021)⁶ and Transport Decarbonisation plan (July 2021)⁷.

Within this wider context the Minerals Industry are progressing plans to work towards net zero. For example:

- The UK Concrete and cement industry are seeking to remove carbon dioxide from concrete and cement and are looking to produce negative carbon emissions by 2050. It is understood that the concrete and cement industry has already taken considerable early joint action and due to investment in fuel switching, changes in product formulation, and energy efficiency including plant rationalisation, its direct and indirect emissions are 53% lower than in 1990 - decarbonising faster than the UK economy as a whole. The UK concrete and cement industry has published a 'Roadmap to Beyond Net Zero' and has identified that net zero can be met through decarbonised electricity and transport networks, further fuel switching, greater use of low-carbon cements and concretes, as well as Carbon Capture, Use or Storage (CCUS) technology for cement manufacture.
- The British Ceramics Confederation are also seeking to drive forward the decarbonisation of the ceramics sector under the British Ceramics Towards Net Zero Initiative which was introduced in 2021 and is seeking to drive the industry forward towards net-zero emissions by 2050 and a Low Carbon Working Group has been established to explore the feasibility of future low-carbon technologies for the ceramic sector. To date it is understood that the sector has switched from coal to natural gas, that they have sought to recover heat and develop more efficient kilns, plus other process improvements which have decreased emissions. In addition, they are looking at fuel switching including hydrogen, electrification, carbon capture and storage, bioenergy with Carbon Capture Usage and Storage (CCUS) and carbon offsetting measures.

Chapter 4: Vision and Objectives

Environment Agency: Groundwater Plan Objectives - The overarching strategic objectives 20 (Supply of Minerals) and 21 (Waste Management) of the Minerals and Waste DPD should ensure that new and on-going operations do not pose an unacceptable risk to the environment. We support the inclusion of the seven non-strategic objectives detailed on pages 14 and 15; in particular objectives 1 (High Environmental Standards) and 5 (Restoration). In regard to non-strategic objective 3 (Other Minerals of Local

⁵ <https://www.gov.uk/government/publications/net-zero-strategy>

⁶ <https://www.gov.uk/government/publications/industrial-decarbonisation-strategy>

⁷ <https://www.gov.uk/government/publications/transport-decarbonisation-plan>

and National Importance), we accept the need to enable the consideration of planning applications for such resources, however, need should always be weighed against other concerns, such as environmental protection. This would also be the case for non-strategic objective 7 (Allocations). We accept that allocations will need to be made, however, it should be acknowledged that there may be a finite resource that could be quarried without resulting in environmental impact.

Durham County Council Response: Support for the non-strategic objectives noted. The Council understands the Environment Agency's concerns regarding environmental impact in relation to groundwater resources. The Council will ensure that through the consideration of planning applications environmental impacts will be considered. In making decisions the Council will need to ensure that societies need for minerals are met in accordance with the provisions of the National Planning Policy Framework which is clear that the planning policies should provide for the extraction of mineral resources of local and national importance (NPPF paragraph 210), that Minerals planning authorities should maintain supply by planning for a steady and adequate supply of aggregates (NPPF paragraph 213), should plan for a steady and adequate supply of industrial minerals (NPPF paragraph 214), should plan for oil, gas and coal exploration and extraction (NPPF paragraphs 215 to 217).

Historic England: Page 13, 4.1 Vision We support the proposal for the vision for the minerals and waste plan to directly align with the vision for the adopted County Durham Plan (2020) which provides for the protection of the historic environment.

Durham County Council Response: Support noted.

Historic England: We support the non-strategic objectives of the plan.

Durham County Council Response: Support noted.

Mineral Products Association: Pages 13 & 14, Paras 4.1 & 4.2 Vision and Strategic Objectives The sections on the CDP Vision and the Strategic Objectives appears to have gone awry, with objectives 20 & 21 being repeated twice in the text, but no vision included. Also, para 4.2 refers to objectives 21 & 22. We believe reference should be to Objectives 20 & 21 check text and amend where necessary.

Durham County Council Response: Comments accepted. Due to an editing error the CDP vision was omitted from the Draft Minerals and Waste Policies and Allocations document, and the CDP objectives were repeated twice. This editing error has been corrected in the Publication Draft Plan. In relation to paragraph 4.2 the references should be to CDP objectives 20 and 21.

Mineral Products Association: Para 4.3 “CDP it is considered necessary to proposes”. Typographic error - Amend text to read “CDP it is considered necessary to propose”.

Durham County Council Response: Comment accepted. Paragraph 4.3 has been amended to address the typographical error and to provide an explanation for the non-strategic objectives. Paragraph to read, “In addition to the objectives in the CDP it is considered necessary for the M&WDPD to contain a number of non-strategic objectives that specifically relate to minerals and waste development which collectively the M&WDPDs Individual policies can seek to deliver.”

Mineral Products Association: Pages 14 & 15 Non-Strategic Objectives. We do not feel these add to the document and may cause confusion for a number of reasons. For example, Non- Strategic Objective 2 is entitled Sustainable Transport. There is already a Strategic Objective entitled Sustainable Transport and a policy within the CDP. Non- Strategic Objective 3) Other Minerals of Local and National Importance should be considered a strategic matter as this is a requirement of Paragraph 210 of the NPPF. Non-Strategic Objective 6) Community Involvement. The objective of the planning system is about enabling the community to be involved in all planning decisions, not just minerals and waste. Consider what these “non-strategic objectives” add to the document and planning process and amend accordingly.

Durham County Council Response: The Council considers that it is necessary for the Minerals and Waste Policies and Allocations document to contain non-strategic objectives to which the draft plans policies can seek to deliver. The M&WDPD Non-Strategic Objective 2 Sustainable Transport relates directly to minerals and waste and provides the direction for Policies MW7 (Traffic and Transport), Policy MW8 (Mineral Rail Handling Facilities) and Policy MW15 (Transport of Oil and Gas). To avoid confusion with CDP Strategic Objective Sustainable Transport the M&WDPD objective has been renamed “Minimising adverse impacts and ensuring the Sustainable Transport of Minerals and Waste”.

The approach that is being taken to ‘Other Minerals of Local and National Importance’ is referred to in paragraph 5.474 of the County Durham Plan, which was examined in 2019 and then subsequently adopted in October 2020. No objection was received to the approach which was proposed by the Council during the preparation of the County Durham Plan, and this was not an examination issue. It is noted that The Mineral Products Association when responding upon the “Regulation 18 Notice of intent to prepare a Development Plan Document” advised that, “The Government has committed to a "Green Revolution" and many minerals and geologically related opportunities may exist within Durham, with potential for geothermal and former mine water heating systems. I believe some research into this may have been undertaken by Durham University. We support the wider

consideration of other minerals such as Silica Sand and vein minerals as these industrial minerals continue to play an expanding part in today's society". Accordingly, through the preparation of the Minerals and Waste Policies and Allocations document the Council is seeking to consider and develop necessary policies in line with the stated approach in the County Durham Plan, whilst taking into account representations received from the Mineral Products Association, in response to the Regulation 18 Notice of intent to prepare a Development Plan Document consultation in early 2021.

We have reconsidered the merits of M&WDPD Non-Strategic Objective 6) Community Involvement and are in agreement that this non-strategic objective is not necessary and therefore it has been deleted.

Chapter 5: Minerals and Waste Development Management Policies

Policy MW1 - General criteria for considering minerals and waste development

Historic England: Page 16 We support the policy which ensures that proposals will not have unacceptable adverse impacts on the historic environment.

Durham County Council Response: Support noted.

Historic England: Page 21, paras 5.22-5.24 We support the text in relation to the protection of the historic environment.

Durham County Council Response: Support noted.

Mineral Products Association - Policy MW1 – “Proposals for minerals and waste development will be required to demonstrate that the proposal will not result in unacceptable adverse impacts on:” The NPPF requires that Development Plans should be prepared positively. We suggest the following wording as is used elsewhere in the plan. ‘Proposals for minerals and waste development will [insert text: be permitted where it can] be [remove text: required to] demonstrated that the proposal will not result in unacceptable adverse impacts on:’

Durham County Council Response: Comment accepted. Wording has been amended to incorporate, “permitted where it can”. Sentence one of Policy MW1 to read, “Proposals for minerals and waste development will be permitted where it can be demonstrated that the proposal will not result in individual or cumulative unacceptable adverse impacts upon:”

Mineral Products Association: Policy MW1 – “When determining relevant planning applications, the Council will ensure that developers consider both the potential individual and cumulative impacts of development”. The supporting text is clear, that

consideration should be given to the cumulative impacts of minerals developments. Further, in order to accord with the Paragraph: 017 Reference ID: 27-017-20140306 of the PPG, this section should refer to mineral's developments. "When determining relevant planning applications, the Council will ensure that developers consider both the potential individual and cumulative impacts of [insert text: minerals] development."

Durham County Council Response: Comment accepted. Wording has been amended to incorporate both individual and cumulative impacts and minerals development. Sentence one of Policy MW1 to read, "Proposals for minerals and waste development will be permitted where it can be demonstrated that the proposal will not result in individual or cumulative unacceptable adverse impacts upon:"

Mineral Products Association: Para 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". There is an inference that all these environmental effects are associated with all minerals' developments. It needs to be made clear that this is not the case. The main sources of disturbance to local communities [remove text: are] [insert text: maybe] through the visual impact of the development, noise, dust, vibration, odour, mud and the impact of heavy lorry traffic on local roads.[insert text: All of these effects can generally be controlled though good housekeeping and quarry design.]

Durham County Council Response: Comment accepted. As part of preparing the Publication Draft Plan both Policy MW1 and its supporting text has been revised to identify the wide range of issues which should be considered by the Council in considering minerals and waste development. The revised text seeks to make clear that there are a wide range of issues which should be considered in relation to human health and the amenity of local communities. These include visual impacts, light pollution, air pollution including dust, noise, vibration, odour, vermin, birds and litter. Further supporting text addresses other matters including separation distances, cumulative impact, environmental issues including landscape designations, landscape character and quality, biodiversity and geodiversity, cultural, heritage and archaeological sites and features, traffic, transport and public rights of way; surface water, groundwater and flood Risk, County Durham's ability to meet the challenge of climate change; land stability and instability; and aviation safety. The paragraph which replaces paragraph 5.6 of the Draft Plan states, "Minerals and waste development can be a concern for local communities as a result of the potential disturbance or adverse effects that proposals can potentially have on human health and upon the amenity of local communities including both their living and working environments. Consideration of adverse impacts should be considered in conjunction with relevant County Durham Plan policies including Policy

31 (Amenity and Pollution) and M&WDPD Policy MW4 (Noise), MW5 (Air Quality and Dust) and MW6 (Blasting). The main sources of potential disturbance can include:”

Breedon: Para 5.6 This implies that all the effects listed are associated with all mineral developments. It should be made clear that this is not the case. We would suggest “the main sources of disturbance to local communities maybe....”

Durham County Council Response: Comment accepted. As part of preparing the Publication Draft Plan both Policy MW1 and its supporting text has been revised to identify the wide range of issues which should be considered by the Council in considering minerals and waste development. The revised text seeks to make clear that there are a wide range of issues which should be considered in relation to human Health and the amenity of local communities. These include visual impacts, light pollution, air pollution including dust, noise, vibration, odour, vermin, birds and litter. Further supporting text addresses other matters including separation distances, cumulative impact, environmental issues including landscape designations, landscape character and quality, biodiversity and geodiversity, cultural, heritage and archaeological sites and features, traffic, transport and public rights of way; surface water, groundwater and flood Risk, County Durham’s ability to meet the challenge of climate change; land stability and instability; and aviation safety. The paragraph which replaces paragraph 5.6 states, “Minerals and waste development can be a concern for local communities as a result of the potential disturbance or adverse effects that proposals can potentially have on human health and upon the amenity of local communities including both their living and working environments. Consideration of adverse impacts should be considered in conjunction with relevant County Durham Plan policies including Policy 31 (Amenity and Pollution) and M&WDPD Policy MW4 (Noise), MW5 (Air Quality and Dust) and MW6 (Blasting). The main sources of potential disturbance can include:”

Tarmac: Policy MW1 - General criteria for considering minerals and waste development. We support paragraph 5.10 in that separation distances should be determined on a site-by-site basis. We recommend these are based upon environmental assessment work/evidence. The use of generic stand-off distances is not appropriate in all circumstances and there should be flexibility built in to demonstrate where they may not be appropriate. This policy could acknowledge the Agent of Change Principle as contained within the NPPF as well as potential separation distances?

Durham County Council Response: Support noted. This policy is for the determination of new minerals or waste proposals rather than development of sensitive receptors in proximity of existing minerals or waste operations, which would be covered by the policies in the County Durham Plan, including policy 31 (Amenity and Pollution). Where an existing business or community facility

could have a significant adverse effect on new minerals or waste proposals in its vicinity, it would be for the applicant (or agent of change) to provide suitable mitigation before the development was complete. This is in accordance with the 'agent of change' principles set out in paragraph 187 of the NPPF.

The supporting text to Policy MW1 states, "In order to minimise unacceptable adverse impacts on the amenity of local communities, separation distances between the proposed development and occupied residential dwellings and other similar sensitive receptors (such as care homes and schools) which could be impacted may be required. In line with the Minerals PPG, separation distances should be determined on a site-specific basis and should be effective, properly justified, and reasonable. When 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."

Environment Agency: Development Management Policies. We agree with the general criteria set out in Policy MW1 for considering mineral and waste proposals. We are happy that there is a requirement for applicants to demonstrate no unacceptable impact to surface, groundwater, mine water, water abstraction and flood risk. Demonstration of the risk posed during operation, restoration and aftercare should be submitted with any application.

Policy MW1 also requires developers to consider both the individual and cumulative impacts of development. This is of particular importance for any new and existing mineral sites on the Magnesian Limestone, especially along the escarpment. There are already many existing quarries that are within close proximity. The operation of one quarry could impact that of another, especially if dewatering or water transfers are proposed. Section 5.13-5.17 discusses cumulative impact. We advise that the cumulative impact of environmental risks is more clearly stated within this section of the plan. It is alluded to but is not specifically mentioned and is an important factor as stated above in Plan Objectives.

Durham County Council Response: Support for general criteria set out in Policy MW1 for considering mineral and waste proposals and requirement for applicants to demonstrate no unacceptable impact to surface, groundwater noted. In order to address comment in relation to cumulative impact the initial sentence of Policy MW1 has been amended to read, "Proposals for minerals and waste development will be permitted where it can be demonstrated that the proposal will not result in unacceptable adverse impacts, including both individual and cumulative impacts upon:"

The supporting text relating to cumulative impact has also been amended, rather than being included under landscape, cumulative impact is now addressed under its own section of text and the issues which are now addressed extend beyond only landscape and the amenity of local communities. The revised supporting text seeks to identify that cumulative impact is an important issue in County Durham. In the past it has been of particular significance in relation to surface mined coal in the exposed coalfield in central Durham and it still remains an important issue upon parts of the East Durham Limestone Plateau where many of the County's remaining crushed rock and sand quarries and landfill sites are now located. The revised supporting text also explains that due to the location of a number of the County's large carboniferous limestone quarries and where further interest working is now concentrated it is also potentially an issue along the A66. Wording has been included to make clear that cumulative impact is a cross cutting issue and is of relevance to both the amenity of local communities and the natural environment, but in particular given the location and nature of minerals development, the County's landscape, biodiversity and upon its groundwater resources.

The supporting text to the 'Surface Water, Groundwater and Flood Risk' has also been amended and includes the following wording, "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. The quality of water resources is of great importance, and surface water and groundwaters in aquifers need protection from pollution. Mineral working by its very nature can result in the removal of limestone and sand which form part of aquifers. Assessment of risks including cumulative risk to groundwater for sensitive areas, such as the Principal Aquifer which underlies much of East Durham is particularly important. Consideration of adverse impacts should be in conjunction with County Durham Plan Policy 35 (Water Management) and Policy 36 (Water Infrastructure) and Policy MW19 (Water Resources)".

Environment Agency: A key issue for the Environment Agency (EA) when we permit waste management operations is their potential to impact on sensitive receptors (including residential and commercial neighbours). We find even well operated sites can still cause some amenity nuisance to neighbours on occasions and not necessarily be in breach of any permit conditions, which often seek to minimise and not eradicate nuisance. Therefore, it is encouraging to see reference made within Chapter 5, Section 5.9 to the importance of separation distances between waste management activity and sensitive receptors. We understand that it is not practicable to state a defined minimum separation distance and that instead this should be site-specific. We would also recommend that the type of activity, and in particular the type of waste, is taken into consideration in the plan. For example, we find that activities involving food industry/catering waste treatment can be highly odorous and cause significant nuisance to sensitive receptors.

It is encouraging to see reference to the cumulative effect of developments within Policy MW1 (General criteria for considering minerals and waste development).

The cumulative effect of developments are evident across the region where clusters of waste management sites are permitted in close proximity to one another; individually these sites do not pose a significant risk to the environment but collectively they can reduce the environmental and amenity quality of a given area. Enforcement of any potential permit breach, where several similar sites are located together, can also be difficult as there are several possible sources to an amenity issue. It is important to consider other nearby waste management facilities and the cumulative effects whenever a new facility is proposed.

Durham County Council Response: Support noted. Policy MW1 addresses cumulative impact.

Mineral Products Association: Para 5.19 "...through the creation of priority habitats and by contributing to the creation of coherent and resilient ecological networks". It may not always be appropriate or practicable to deliver priority habitats to achieve BNG and other non-priority habitats may deliver more species rich BNG. We suggest insertion of the word 'or' to address this. "...through the creation of priority habitats and/or by contributing to the creation of coherent and resilient ecological networks".

Durham County Council Response: Comment noted. Paragraph 5.19 has been amended to read "the restoration of sites can help deliver net gains to biodiversity which contribute towards establishing coherent and resilient ecological networks through the creation of semi-natural habitats and the delivery of the County Durham Local Nature Recovery Strategy (once prepared).

The existing Durham County Council Planning Application Validation Checklist requires the submission of a Biodiversity and Geology Survey and Report which includes a Biodiversity Net Gain and Biodiversity Management and Monitoring Plan. It explains that all Strategic and major and minor applications (excluding householder applications) will be required to meet biodiversity net gains.

Environment Agency: We are in support of the text in Section 5.19 of the plan, which states that applicants will be required to demonstrate that their proposal will deliver a net gain for biodiversity. We advise that Biodiversity Net Gain (BNG) assessments should be carried out for each application.

Durham County Council Response: Support noted. The existing Durham County Council Planning Application Validation Checklist requires the submission of a Biodiversity and Geology Survey and Report which includes a Biodiversity Net Gain and Biodiversity Management and Monitoring Plan. It explains that all Strategic and major and minor applications (excluding

householder applications) will be required to meet biodiversity net gains. A completed DEFRA Metric will be required alongside any supporting information for all strategic and major applications. The need for a DEFRA metric with minor applications will be dealt with on a case-by-case basis at pre-application stage. A Biodiversity Management and Monitoring Plan will be required for all strategic and major applications except where, following consultation at the pre-application stage, it is confirmed in writing by the Council that a survey/report is not required. Minor applications will require a Biodiversity Management and Monitoring Plan if the use of the DEFRA metric has been agreed. To provide clarity a footnote has been added to the supporting text which lists the assessments required.

Kearnton Farms: Biodiversity and geodiversity p21, para 5.19 second sentence. As drafted the second sentence of this paragraph states that ‘Applicants will be required to demonstrate that their proposal will deliver a net gain for biodiversity...’ At present, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) do not specifically require proposals to provide a net gain for biodiversity. NPPF paragraph 179 confirms that ‘To protect and enhance biodiversity, plans should...b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and pursue opportunities for securing measurable net gains for biodiversity.’ It is recognised that the Environment Bill, if enacted, could require proposals for development to provide a net gain for biodiversity (10% uplift from the pre-development position) and that there is likely to be a 2-year transition period before any such requirement comes into effect. It is suggested that the second sentence of paragraph 5.19 should be amended to reflect current policy guidance in NPPF paragraph 179. Clearly, if the Environment Bill is enacted with a requirement for proposals to provide biodiversity net gain ahead of the adoption of the M&WDPD then this paragraph could be amended to reflect the legislative requirement at that time.

Durham County Council Response: Paragraph 174(d) of the NPPF (2021) states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy 41 of the adopted County Durham Plan reiterates this requirement. The policy does not specify the 10% uplift, which is the additionality provided by the Environment Bill, however it should be noted the Environment Act became law on the 9th November 2021 and therefore the 10% BNG uplift is expected to be mandatory from Autumn 2023. The transition period allows for accompanying regulations and guidance to be produced to provide further detail on how the provisions will be implemented. It should also be noted that the Council is developing a Developer Contributions SPD which will set out the requirements for Biodiversity Net Gain during this transition period and once the law has come into force.

The existing Durham County Council Planning Application Validation Checklist requires the submission of a Biodiversity and Geology Survey and Report which includes a Biodiversity Net Gain and Biodiversity Management and Monitoring Plan. It explains that all Strategic and major and minor applications (excluding householder applications) will be required to meet biodiversity net gains. To provide clarity a footnote has been added to the supporting text which lists the assessments required.

Environment Agency: Fisheries and Biodiversity - We advise consideration of the cumulative impacts of each proposed development upon the environment and other activities in the vicinity. This is particularly important when considering the impact of dewatering on local groundwater levels which support important habitats and species.

We agree with Section 5.21, which encourages the improvement of biodiversity through the restoration, after use and after care of sites. The best restoration options need to be considered individually for each site with regard to existing habitat and species in the local area, local groundwater risks and levels, and potential to support particular conservation objectives. Isolated waterbodies within restored mineral sites have potential to be effective 'ark' sites for the native white-clawed crayfish.

Durham County Council Response: Policy MW1 provides the policy basis to allow consideration of both individual and cumulative impacts and specific supporting text has been provided in relation to biodiversity and surface water, groundwater and flood risk. Policy MW22 provides the policy basis for the restoration of mineral sites, landfill and landraise sites. Supporting text within chapter 9 makes clear that 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. Including but not limited to the County Durham Plan, the County Durham Landscape Strategy, the Council's Climate Change Emergency Response Action Plan, the County Durham Local Nature Recovery Strategy (once prepared), the County Durham Geodiversity Plan and if located within the North Pennines AONB, the AONB Management Plan and North Pennines AONB Planning Guidelines. Wording has also been added to paragraph 8.30 of Policy MW21 which now reads "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; changes to groundwater levels which support important habitats and species; leachate from waste disposal, sludge, and composting sites; the discharge of wastewater 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. Applicants will be expected to consider the cumulative impacts of each proposed development upon the environment and other activities in the vicinity."

Mineral Products Association - Para 5.22 “Due to the scale of minerals and waste 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.” We disagree with this statement. It may be equally applicable to [insert text: all] forms of major developments and it is inappropriate to single out minerals and waste developments. Indeed, minerals development, by their nature are temporary and as such any impact upon a setting may be temporary, unlike permanent developments. Delete this sentence or ensure that it provides a balanced consideration for all development. Delete this, “Due to the scale of minerals and waste 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”.

Durham County Council Response: Comments accepted. The sentence, ‘Due to the scale of minerals and waste 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’ has been deleted. The supporting text under the ‘Cultural, heritage and archaeological sites and features’ heading has been reworded.

Breedon: Para 5.22 - This could equally be applied to other forms of major development and should therefore be deleted.

Durham County Council Response: Comments accepted. The sentence, ‘Due to the scale of minerals and waste 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’ has been deleted. The supporting text under the ‘Cultural, heritage and archaeological sites and features’ heading has been reworded.

Mineral Products Association: Para 5.23 “...in the work to the mitigate harm to heritage assets and assets of archaeological interest,...” This infers that [insert text: all] minerals development will harm [insert text: all] to heritage assets and assets of archaeological interest. Also the sentence includes a typo. “...in the work to the mitigate potential harm to heritage assets and assets of archaeological interest,...”

Durham County Council Response: Comments accepted. the supporting text under the ‘Cultural, heritage and archaeological sites and features’ heading has been reworded.

Breedon: Para 5.23 -This infers that all minerals development will harm all heritage assets etc. We would suggest, “in the work to mitigate potential harm”

Durham County Council Response: Comments accepted. the supporting text under the ‘Cultural, heritage and archaeological sites and features’ heading has been reworded.

National Highways: Local Road & Traffic Issues - National Highways agrees that the Minerals and Waste P&A should be applied alongside other DCC documents governing relevant transport issues (as listed in section 5.28 of the Minerals and Waste P&A), so as to minimise potential impacts on the local road network and SRN. On the basis of the above, National Highways is generally supportive of the Minerals and Waste P&A, given the information contained in the draft document submitted by DCC for consultation. However, we would request that National Highways is notified by DCC regarding future site allocations that are either in the vicinity of the SRN or are likely to generate trips on the SRN, so that National Highways can prepare and provide formal responses to be submitted during any relevant planning application processes.

Durham County Council Response: Support noted. National Highways will be notified should the Council determine that additional site allocations are deemed necessary. Details of further correspondence between National Highways and the Council are set out in Appendix D.

Mineral Products Association: Para 5.29 “...as well as the impacts on the public rights of way and footpath network.” This wording assumes there will be impacts upon PROW and footpaths. “...as well as the impacts on [insert text: any] public rights of way and footpath network.”

Durham County Council Response: Comments noted. Wording has been amended to read, “Applicants should demonstrate the acceptability of the proposed development in relation to traffic and transportation as well as any impacts on the public rights of way and footpath network”.

Breedon: Paras 5.29 - This wording assumes there will be PROW and footpaths. We would suggest “as well as the Impacts on any”.

Durham County Council Response: Comments noted. Wording has been amended to read, “Applicants should demonstrate the acceptability of the proposed development in relation to traffic and transportation as well as any impacts on the public rights of way and footpath network”.

Mineral Products Association: Para 5.31 “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.” Whilst developers in most instances successfully implement footpath diversions, there may be instances where the only alternative is a formal stopping up of a PROW. This is recognised in planning legislation as a legitimate consideration and should be recognised accordingly. “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. [insert text: Formal stopping up of PROWs should be avoided unless there are no alternatives to this]”.

Durham County Council Response: Comments noted. Wording has been amended to ‘Formal stopping up of PROWs should be avoided, unless it can be demonstrated, to the satisfaction of the Local Authority, that there are no alternatives to this’.

Environment Agency: Surface, groundwater, mine water, and flood risk - We acknowledge the inclusion of Sections 5.32-5.35 on surface, groundwater, mine water, water abstraction and flood risk. In Section 5.33, we suggest the wording is changed to “Applicants should demonstrate the acceptability of the proposed development in relation to vulnerable surface and groundwater resources, including aquifers, and include measures to prevent contamination, water pollution and derogation of water dependent features.” In respect of Section 5.35, we note that hydrological and hydrogeological risk assessments will be required in most, if not all, cases. We accept that there may be some low-risk operations that will not require a full assessment, but some consideration of the risks posed should still be undertaken for each application. The level of risk assessment required should be proportional to the level of risk posed. Section 5.35 should be changed to give this requirement more weight.

Durham County Council Response: Comments accepted. Supporting text has been amended to read, “Proposals for minerals and waste development should demonstrate the acceptability in relation to both surface and ground water resources, including aquifers and include measures to prevent contamination and water pollution and derogation of water dependent features. In accordance with the Council’s planning validation requirements where appropriate, hydrological and hydrogeological risk assessments will be required in support of planning applications. The level of risk assessment required should be proportional to the level of risk posed. Some low-risk operations may not require a full assessment, but some consideration of the risks posed should still be undertaken for each application.”

Environment Agency: Water Resources - We are satisfied with Section 5.33 of the plan, which requests that applicants demonstrate the acceptability of proposed developments in relation to vulnerable surface and ground water resources. We are

happy to see that Section 5.35 requires applicants to provide hydrological risk assessments in support of planning applications, where appropriate.

Durham County Council Response: Support noted.

Mineral Products Association: Para 5.32 - 5.35 Within these paragraphs, the focus is on what minerals operations should not do in terms of the potential impact on the water environment. Mineral operations may present legitimate opportunities both for flood risk alleviation and potable and flood water storage. The plan may wish to include appropriate and positive wording which recognises the opportunities to water management presented by mineral extraction. See para 5.58. Insert a positive paragraph recognising the opportunities presented by minerals operations for water management.

Durham County Council Response: Comment accepted. The supporting text has been amended to include appropriate and positive wording which recognises the opportunities to water management presented by mineral extraction. New wording is proposed as follows, "Proposals should also demonstrate that they will not be at an unacceptable risk from all sources of flooding or increase the risk of flooding elsewhere, including causing unacceptable changes to flood flows or storage capacity. Where necessary, consideration should also be given to the use of sustainable drainage systems for the management of surface water drainage. Some forms of mineral extraction are recognised to be water compatible including sand and gravel working adjacent to rivers and as recognised by Policy MW3, can potentially help reduce flood risk by improving the management of floodwater through the creation of flood water storage areas where sand and gravel has been extracted in the floodplain next to rivers. This is supported through Policy MW3 (Benefits of Mineral Extraction) and Policy MW20 (Mineral Site Restoration Landfill and Land Raise). Where appropriate a flood risk assessment will be required, and the Council will apply the sequential test and exceptions test for flood risk as set out in the National Planning Policy Framework. In accordance with the Council's planning validation requirements a flood risk assessment will be required."

Breedon: Paras 5.32-5.35 - There is a failure to recognise the positive benefits that mineral development may have such as flood alleviation and therefore a positive statement reflecting such opportunities should be added.

Durham County Council Response: Comment accepted. The supporting text has been amended to include appropriate and positive wording which recognises the opportunities to water management presented by mineral extraction. New wording is proposed as follows, "Proposals should also demonstrate that they will not be at an unacceptable risk from all sources of flooding or increase the risk of flooding elsewhere, including causing unacceptable changes to flood flows or storage capacity. Where

necessary, consideration should also be given to the use of sustainable drainage systems for the management of surface water drainage. Some forms of mineral extraction are recognised to be water compatible including sand and gravel working adjacent to rivers and as recognised by Policy MW3, can potentially help reduce flood risk by improving the management of floodwater through the creation of flood water storage areas where sand and gravel has been extracted in the floodplain next to rivers. This is supported through Policy MW3 (Benefits of Mineral Extraction) and Policy MW20 (Mineral Site Restoration Landfill and Land Raise). Where appropriate a flood risk assessment will be required, and the Council will apply the sequential test and exceptions test for flood risk as set out in the National Planning Policy Framework. In accordance with the Council’s planning validation requirements a flood risk assessment will be required.”

County Durham Green Party: Para 5.36-5.42 Efficient use of resources (p24) - emphasis is required here on absolute proof of the national/local requirement for extraction of carbon-intensive materials.

Durham County Council Response: The Council is required by Section 17 of the National Planning Policy Framework to facilitate “the sustainable use of minerals to ensure that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.” The National Planning Policy Framework is clear that the planning policies should:

- provide for the extraction of mineral resources of local and national importance (NPPF paragraph 210),

that Minerals planning authorities should:

- maintain supply by planning for a steady and adequate supply of aggregates (NPPF paragraph 213)
- plan for a steady and adequate supply of industrial minerals (NPPF paragraph 214),
- plan for oil and, gas and coal exploration and extraction (NPPF paragraphs 215 to 217).

This guidance within the NPPF relating to mineral supply has been published in association with guidance within the National Planning Policy Framework relating to Meeting the challenge of climate change (NPPF section 14). The emphasis with the NPPF is to “mitigating and adapting to climate change” and there is no reference or requirement to restrict the supply of minerals required by society on climate change grounds. It is therefore not the role of the Council to restrict the supply of the materials that the country needs on climate change grounds or the use of these materials by industry who will have their own plans to decarbonise in accordance with wider UK Governmental strategy as set out in the UK’s Net Zero Strategy: Build Back Greener (December 2021), Industrial Decarbonisation Strategy (March 2021) and Transport decarbonisation plan (July 2021).

County Durham Green Party: Para 5.43 to 5.46 Net zero future (p25) - at para 5.43 on climate change adaptation, additional CDP policies should be referred to: 14 Agricultural land, 21 Sustainable transport, 26 Green infrastructure, 35 Water management, 40 Trees and 41 Biodiversity; and DCC's Climate Emergency Action Plan (CERP). In Para 5.46 we would urge adding stronger emphasis on applicants needing to assess the (final/manufactured) carbon footprint of materials extracted, or waste buried/burnt.

Durham County Council Response: The wording of Policy MW1 has been amended to include reference to both climate change adaptation and mitigation. The supporting text has been updated and now cross refers to all key County Durham Plan and M&WDPD policies. Supporting text which had been set out within Chapter 3 of the Draft Plan has now been consolidated in this section and reference is now made to the Council's Climate Emergency Action Plan (CERP).

In relation to needing to assess the (final/manufactured) carbon footprint of materials extracted, or waste buried/burnt, the guidance within the National Planning Policy Framework (NPPF) relating to minerals and within the National Planning Policy for Waste (NPPW) relating to waste should be read in conjunction with guidance within the National Planning Policy Framework relating to Meeting the challenge of climate change (NPPF section 14). The emphasis with the NPPF is to “mitigating and adapting to climate change” and there is no reference or requirement to restrict the supply of minerals required by society on climate change grounds or to assess the (final/manufactured) carbon footprint of materials extracted, or waste buried/burnt. It is not the role of the Council to consider the (final/manufactured) carbon footprint of materials extracted, or waste buried/burnt. In terms of “materials extracted.” The Council is required by Section 17 of the National Planning Policy Framework to facilitate “the sustainable use of minerals to ensure that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.” The National Planning Policy Framework is clear that the planning policies should:

- provide for the extraction of mineral resources of local and national importance (NPPF paragraph 210),

that Minerals planning authorities should:

- maintain supply by planning for a steady and adequate supply of aggregates (NPPF paragraph 213)
- plan for a steady and adequate supply of industrial minerals (NPPF paragraph 214),
- plan for oil and, gas and coal exploration and extraction (NPPF paragraphs 215 to 217).

In relation to “waste buried/burnt,” the waste policies of the Minerals and Waste Policies and Allocations Document in Chapter 8 do not address waste incineration. It is not necessary for the Minerals and Waste Policies and Allocations Document to address

incineration as planning applications for waste management facilities where waste is incinerated will be determined in accordance with the provisions of CDP policies 60 (Waste Provision) and 61 (Location of New Waste Management Facilities) and other relevant environmental policies of the CDP. The waste policies within the Minerals and Waste Policies and Allocations Document relating to the recovery and disposal of waste have been specifically prepared to replace extant saved County Durham Waste Local Plan policies in accordance with the requirements of the County Durham Plan. The Council is satisfied the approach which has been adopted is consistent with the National Planning Policy for Waste (NPPW) and other relevant guidance including the National Waste Management Plan for England.

Policy MW2 - Mineral Exploration

Historic England: We support the wording of this draft policy.

Durham County Council Response: Support noted.

Mineral Products Association: Para 5.53 - '2. Trail pits' & '3. Boreholes'. Should these be re-titled as shallow boreholes are covered under 2. Trail Pits and 3. covers deep boreholes. Consider amending to read '2. Trail Pits and Shallow Boreholes' & '3. Deep Boreholes'

Durham County Council Response: Comments accepted. Bullet 2 to amended both "Trial Pits and Shallow Boreholes" to be emboldened. Bullet 3 to be amended to "Deep Boreholes".

Mineral Products Association: Policy MW2 Mineral Exploration. 'Temporary planning permissions will be granted...' The subsequent paragraphs recognise that much mineral exploration is permitted under the GDPO. 'Where required, temporary planning permissions will be granted...'

Durham County Council Response: Comment accepted. Amend Policy MW2 first sentence to read, "Where required, temporary planning permissions will be granted..."

Environment Agency: Net zero carbon future. Over the past couple of years, we have seen an ever-increasing interest in geothermal (deep and shallow), conventional ground source heat schemes and unconventional mine heat schemes. Many of the risks posed by these schemes, especially deep geothermal and mine heat, are still unknown and they are often located in very

complex geological and hydrogeological locations, which makes them very difficult for us to regulate. Most of the schemes require pumping large volumes of water from one borehole and discharging back into the ground via another.

Although these schemes aim to reduce carbon and support net zero targets, they may have the potential to impact both worked and unworked mineral reserves. Due to the complexity of the workings within the area it will be very difficult to determine, before operation, whether the activities could cause collapse, subside and/or change groundwater and mine water flow paths.

In order to fully assess the risks posed by these types of schemes, we recommend the need to allow a phased approach during the construction and operational phases, allowing for changes and/or the requirement to stop if the risks prove too high. This may follow a similar process to that identified in Policy MW2 (Mineral Exploration). Early in 2021, the North East Local Enterprise Partnership (LEP) published a mine energy white paper, which may be relevant. Please see link below:
https://www.northeastlep.co.uk/wp-content/uploads/2021/05/Mine-Energy-White-Paper_FINAL.pdf.

Durham County Council Response: Comments noted. However, the provisions of the Minerals and Waste Policies and Allocations document are not intended to address geothermal (deep and shallow), conventional ground source heat schemes and unconventional mine water heat schemes. The principal policy that the Council would use to determine an application for geothermal, conventional ground source heat schemes and unconventional mine heat schemes is County Durham Plan Policy 33 (Renewable and Low Carbon Energy) in association with other relevant County Durham Plan policies including County Durham Plan Policy 35 (Water Management). County Durham Plan paragraph 5.347 advises, “Whilst most renewable technologies currently within the county are electricity generators such as wind and solar photovoltaics (PV), renewable heat technologies form an essential part of our carbon reduction strategy, with solar thermal panels, biomass and heat pumps potentially having a substantially positive impact by displacing fossil fuels used for heating and hot water. Further opportunities include the potential to utilise the significant deep geothermal resource in Weardale and along the Butterknowle Fault and to investigate the use of mine water as a potential source of low carbon heating in appropriate areas. We are also engaged in examining the potential for low carbon district energy within Durham City. We will continue to work with partners to investigate and drive forward emerging and innovative opportunities around low carbon and renewable energy technologies as we seek to move to a secure, low carbon society and economy.”

Policy MW3 - Benefits of Minerals Extraction

County Durham Green Party: Policy MW3 On Benefits - the NPPF states benefits of coal can't be given great weight, but other minerals can. This section lists potential (if limited/short-term) benefits but SHOULD also mention climate change mitigation.

Durham County Council Response: Footnotes 19 and 20 of the Draft Plan sought to provide qualification that paragraph 211 of the National Planning Policy Framework requires that great weight will be given to the benefits of mineral extraction except where the proposal applies to surface mined coal working. To provide greater clarity the footnotes and supporting text will be amended to make clear that great weight does not apply to proposals for surface coal extraction. Paragraph 5.55 to be amended to read, “For the Council to give great weight to the benefits of mineral extraction (except in relation to proposals for coal extraction¹⁸) in the decision-making process the applicant will need to demonstrate that they relate directly to the benefits arising from the proposed development and sufficient evidence will need to be provided to enable the Council to assess the nature and significance of the benefits”. Footnote to be amended to read, “In accordance with NPPF paragraph 211 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 and will be considered on an individual basis in the context County Durham Plan Policy 53 (Surface Mined Coal and Fireclay).”

In relation to climate change, paragraph 5.58 of the Draft Plan already states, “In this regard over the plan period particular value will be placed upon benefits which help mitigate and adapt to climate change”. However, to provide clarity on benefits and to recognise the declaration by the Council of a climate emergency (and in addition an ecological emergency) the supporting text has been amended to read, “Given local priorities, in 2019 the Council declared both a Climate Emergency and is seeking to make County Durham carbon neutral, and in 2022 the Council declared an ecological emergency to stop the decline in wildlife and natural habitats, particular value will be placed upon benefits which help mitigate and adapt to climate change and promote nature recovery by delivering net gains to biodiversity and the delivery of the County Durham Local Nature Recovery Strategy”.

Mineral Products Association: Para 5.55. ‘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.’ The wording is a little unclear. We feel that the benefits demonstrated should ‘*arise from*’, not ‘*relate to*’ the proposed development. ‘For the Council to give great weight to the benefits of mineral extraction the applicant will need to demonstrate [Remove: that they relate directly to] [Insert: the benefits arising from] the

proposed development and sufficient evidence will need to be provided to enable the Council to assess the nature and significance of the benefits.'

Durham County Council Response: Comment accepted. Paragraph 5.55 sentence two to be amended to read, ".....the applicant will need to demonstrate that they relate directly to the benefits arising from the proposed development and sufficient evidence will need to be provided to enable the Council to assess the nature and significance of the benefits".

Mineral Products Association: Para 5.58 – “d) The creation of flood storage areas where sand and gravel has been extracted in the floodplain next to rivers;” As referenced above in relation to paragraph 5.32-5.38, mineral operations do not just present potential flood alleviation associated with S&G operations. Worked out quarries may also present opportunities for water storage in other locations and geological horizons. Insert appropriate text.

Durham County Council Response: The reference within the supporting text related to the creation of flood storage areas where sand and gravel has been extracted in the floodplain next to rivers is considered to be consistent with the PPG (Flood risk and coastal change) (Paragraph: 008 Reference ID: 7-008-20140306) (Revision date: 06 03 2014) which advises, "...in particular in relation to sand and gravel workings which are often located in functional floodplains, need to be identified. It is possible to explore benefits, such as restoring mineral working located in flood risk areas to increase flood water storage.....".

What is intended by the wording “water storage in other locations and geological horizons” has not been explained but is assumed to be water storage in quarries outside of the floodplain, i.e., the County’s limestone quarries and storing of water in aquifers for subsequent extraction. Chapter 9 of the documents sets out the Council’s policy approach to the restoration of mineral sites. In response to an Environment Agency comment new supporting text has been introduced. This new supporting text is relevant as it explains that “When restoring sites, it is essential that sufficient regard is given to the long-term protection of groundwater and other water resources including rivers and streams. Where retention of open water is proposed at any mineral site, particularly when the underlying water is an important groundwater resource, there needs to be an assessment of whether that is the most environmentally beneficial option. This assessment should be undertaken through the hydrological and hydrogeological risk assessment which is required for the planning application. Consideration will need to be given as to whether having large water features could impact adjacent water supplies (particularly small private supplies including springs), impact on groundwater flood risk and increase pollution risks. Potential impacts could include pollution from adjacent land uses e.g., nitrate or pesticides from farming leaching directly into the water supply or in the case of the Magnesian Limestone, allowing for mine water to enter from

below if water levels are no longer controlled. Similarly, woodland planting may assist flood alleviation, by taking up more water, but trees can also take up more water, reducing infiltration and recharge to groundwater. Any proposed woodland planting should consider the risks to groundwater and local water dependent features such as springs as well as flood risk”. It is considered that the storage of water in aquifers falls outside the scope of this document.

Mineral Products Association: Page 28 Footnotes 19 & 20 The footnote relates to the previous version of the NPPF. This should be amended to read paragraph 211. Also, it is probably unwise to include the footnote in the policy MW3. Replace reference to paragraph 204 with paragraph 211 and delete footnote from Policy MW3.

Durham County Council Response: Comment accepted. The Minerals and Waste Policies and Allocations document was drafted prior to the reissue of the revised National Planning Policy Framework in July 2021. Footnote 20 to be amended to refer to NPPF paragraph 211. Footnote 19 to be deleted to prevent unnecessary duplication and to ensure that Policy M3 remains consistent with future iterations of the NPPF should it be reissued.

Environment Agency: We are pleased to see in Section 5.58 of Policy MW3 reference to environmental benefits through restoration and after use of mineral sites. Many limestone quarry sites have agreed restoration plans which include large areas of open water. Where retention of open water is proposed at any mineral site, particularly when the water is groundwater, there needs to be an assessment of whether that is the most environmentally beneficial option. Consideration will need to be given as to whether having large water features could impact adjacent water supplies (particularly small private supplies including springs), impact on groundwater flood risk and increase pollution risks. Potential impacts could include pollution from adjacent land uses e.g., nitrate or pesticides from farming leaching directly into the water supply or in the case of the Magnesian Limestone, allowing for mine water to enter from below if water levels are no longer controlled. These comments are also relevant to Chapter 9 (Mineral and Waste Site Restoration) of the plan.

Durham County Council Response: Comment accepted. New paragraph to be included to address comments related to chapter 9 and related to Policy MW3, see Chapter 9, “When restoring sites, it is essential that sufficient regard is given to the long-term protection of groundwater and other water resources including rivers and streams. Where retention of open water is proposed at any mineral site, particularly when the underlying water is an important groundwater resource, there needs to be an assessment of whether that is the most environmentally beneficial option. Consideration will need to be given as to whether having large water features could impact adjacent water supplies (particularly small private supplies including springs), impact on groundwater flood

risk and increase pollution risks. Potential impacts could include pollution from adjacent land uses e.g., nitrate or pesticides from farming leaching directly into the water supply or in the case of the Magnesian Limestone, allowing for mine water to enter from below if water levels are no longer controlled. Similarly, woodland planting may assist flood alleviation, by taking up more water, but trees can also take up more water, reducing infiltration and recharge to groundwater. Any proposed woodland planting should consider the risks to groundwater and local water dependent features such as springs as well as flood risk”.

Tarmac: Policy MW3 Benefits of Mineral Extraction. Paragraph 5.58 identifies the positive environmental effects that can result from mineral extraction which is supported. The final sentence should be amended to read, environmental benefits could include (as opposed to will include) so as not to be categorical, provide flexibility for additional benefits and recognise that applications must be determined on their merits, having regard to site specific circumstances.

Durham County Council Response: Comment accepted. Paragraph 5.58 of the Draft Plan to be amended to provide flexibility. Paragraph 5.58 sentence three amended to read, “Environmental benefits could also include.....”

Historic England: We support the wording of the proposed policy which is consistent with paragraph 211 of the NPPF.

Durham County Council Response: Support noted.

Environment Agency: Coal mining activities Section 5.59 (Benefits of Mineral Extraction) of the plan states that ‘other environmental benefits could include the comprehensive reclamation of derelict or contaminated land, or the remediation of coal mining legacy issues’. We support the inclusion of this text to the document, especially in relation to coal mining. Although, there is a lot of negativity against new coal schemes there is the opportunity at some sites for significant environmental benefit. If any future coal mining allocations are to be considered, it would be beneficial to steer operators to locations where historic and significant mine water pollution impacts could be addressed. In all cases, the environmental benefits and risks should be adequately assessed and weighted.

Durham County Council Response: Support noted for inclusion of the text which is referred to in paragraph 5.59. However, it is not the role of the Minerals and Waste Policies and Allocations document to revisit the Council’s policy approach to surface mined coal which is set by County Durham Plan Policy 53 (Surface Mined Coal and Fireclay). Only one proposal was received for an allocation for surface mined coal working in response to the Councils call for minerals and waste sites in 2021. The Council’s response to the site which was proposed by Banks Developments is set out in the Council’s “Statement of Consultation Regulation

18 Notice of intent to prepare a Development Plan Document and Minerals and Waste Call for Sites (September 2021)". In summary, the Council advises that the submission did not contain sufficient site-specific detail. Given that no further information has been submitted upon this site in response to the Draft Plan the Council considers that the proposed allocation is now no longer being pursued. The Council does agree that further surface mined coal working could potentially help address historic and significant mine water pollution, but this would need to be considered by individual planning applications should any be submitted.

Environment Agency: There is very little detail within the document specifically relating to the stance on new coal mines, both opencast and deep. It may be beneficial to add more text, especially in relation to helping to reach net zero and climate change targets.

Durham County Council Response: It is not intended that the Minerals and Waste Policies and Allocations Document should address new deep coal mines. The last two remaining deep mines in County Durham, Easington and Seaham/Vane Tempest ceased production in 1993 and both of these mines worked deep coal under the North Sea. No interest has been expressed in any new deep coal mining in County Durham since before the cessation of deep coal mining in County Durham. Accordingly, the Council does not envisage that there would be any future interest in the winning and working of deep coal in County Durham. As such the preparation of such a policy is considered unnecessary as it would be very unlikely to be called upon to be used. It is not therefore considered necessary to add additional text in relation to Government Policy, including the UK's target of net zero carbon emissions by 2050 to address this specific issue. In recent years the only interest that has been shown in coal mining of any type in County Durham has been in shallow coal reserves and County Durham Plan Policy 53 (Surface Mined Coal and Fireclay) has been specifically prepared to address surface mined coal planning applications.

Policy MW4 - Noise

Mineral Products Association: Policy MW4 Noise It is not clear whether the criteria stated apply to both minerals and waste operations or just minerals. If the latter only, what criteria are to be applied to waste operations - is this BS4142? Clarification is sought.

Durham County Council Response: Comment accepted. Policy MW4 has been amended to provide clarity in order to which criterion apply to both minerals and waste operations. The criterion which were included in the Draft Plan were intended to cover both surface mineral extraction and surface operations associated with underground mineral extraction, including waste disposal and recycling operations that form an integral part of a mineral working operation. It is recognised that a further criterion is needed

for ancillary minerals development which do not form part of a mineral working operation such as those located on industrial estates and waste development which do not form an integral part of a mineral working operation. Both Policy MW4 and its supporting text has been revised. The following amendments are in direct response to this comment.

Sentence two of the policy has been bulleted to form criterion 1) and has been amended to read, "Proposals for mineral development including minerals extraction, processing and restoration at minerals sites, including surface operations associated with underground mineral extraction sites and waste recycling and disposal operations that form an integral part of a mineral site will be permitted where the operator can demonstrate that noise levels at specifically identified noise-sensitive properties and locations do not give rise to an unacceptable adverse impact. Subject to specific circumstances which may justify some small variation, noise limits will be established subject to:". Subsequent policy wording has been updated to ensure consistency with the PPG (Minerals) and bulleted to form criterion 1) a) to e). New criterion 2) added for all other minerals and waste development, "Proposals for ancillary minerals development which do not form part of a mineral working operation and all other waste development will be permitted where the operator can demonstrate that noise levels arising from the development at specifically identified noise-sensitive properties and locations do not exceed the following: a) During daytime hours (07.00-23.00) noise should not exceed background noise levels (LA90, 1hr) by more than 5dB LAeq 1hr; b) Between 5dB and 10dB LAeq higher than the background noise level (LA90 1hr) at noise sensitive properties and locations and which would result in an adverse impact may be considered to be acceptable provided that suitable mitigation is incorporated in the scheme and the benefits outweigh the impacts; c) 10db LAeq or more, higher than the background noise level (LA90 1hr) at noise sensitive properties and locations which would result in an unacceptable adverse impact will not normally be acceptable.; d) During night-time hours (23.00-07.00) noise should not exceed background noise levels (LA90 1hr) by more than 0dB LAeq 15min; e) Where the site noise has a significant tonal element, or peak or impulsive noise these must be accounted for within the analysis of noise and can result in a reduced threshold value.

New paragraph of supporting text added to address new criterion 2: "Proposals for ancillary minerals development which do not form part of a mineral working operation such as those located on industrial estates and waste development will be permitted where the operator can demonstrate that noise levels at specifically identified noise-sensitive properties and locations will be required to meet the requirements of the current edition of British Standard BS4142³⁰, which provides a method of assessing the impact of a source of industrial or commercial sound and any local authority technical advice notes. When assessing such planning applications, if the predicted commercial / industrial noise is 5dB higher than the background noise levels, during the day, then this

is an indication of an adverse impact which may or may not be considered acceptable in terms of amenity. In such circumstances measures will be required to mitigate and reduce the noise to a minimum and consideration will be required to determine whether the benefits of the proposed development outweigh the impacts. If the commercial / industrial noise is 10dB or more, higher than the background noise level, during the day, then this is an indication of a significant adverse impact which would not normally be acceptable. It is expected that these types of proposals will generally operate within the hours of 7.00-19.00 Monday to Friday, 08.00-14.00 Saturday with no operations on a Sunday. Deviations from these hours are likely to increase the potential for a detrimental impact on amenity and potential reduced noise threshold levels. Policy MW4 also includes a criterion requiring an assessment of noise during night-time hours. Where site noise has a significant tonal element or peak or impulsive noise this must be accounted for within a noise assessment.”

Tarmac: MW4 - Noise The requirement for predicted noise impact because of road traffic is difficult to quantify and monitor/enforce. Where is the limit on potential impact? It is difficult to manage/mitigate something where there is no control such as a public highway.

Durham County Council Response: Comment noted. Paragraph 5.62 of the Draft Plan (sentence 5) has been amended to remove reference to road traffic. “The noise impact assessment will need to consider existing background noise levels and the predicted noise from the proposed development”.

Breedon: Policy MW4. The final paragraph in the Policy states ‘Where tonal noise and/or peak and impulsive noise would contribute significantly to total site noise, separate limits may be required independent of background noise levels’. We would question the inclusion of this as it does not reflect recognised and long-established guidance. We would also question on what basis separate noise limits could be enforced. Accordingly, we feel this should be deleted.

Durham County Council Response: It is considered that the policy reference, “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 level” is consistent with the PPG. PPG Paragraph: 021 Reference ID: 27-021-20140306 Revision date: 06 03 2014 advises, “Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (e.g., Lmax in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night).

Mineral Products Association: ‘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.’ We question the justification for this paragraph as it does not reflect recognised and long-established guidance on noise detailed in the PPG. We would also question upon what basis separate noise limits could be determined, justified and/or enforced. We feel this paragraph should be deleted. [Remove: 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.]

Durham County Council Response: It is considered that the policy reference, “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 level” is consistent with the PPG. PPG Paragraph: 021 Reference ID: 27-021-20140306 Revision date: 06 03 2014 advises, “Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (e.g., Lmax in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night).

Mineral Products Association: Footnote 21 We query the relevance of footnote 21 in this instance. Delete footnote 21 from this policy.

Durham County Council Response: Footnote 21 of the Draft Plan was introduced as a result of the Habitat Regulations Assessment Screening Report Draft County Durham Minerals and Waste Policies and Allocations Document. The assessment considered impact pathways which are routes by which a change in activity can lead to an affect upon a designated site. Table 2 Impact pathways advises that “operation of Mineral and Waste sites could contribute to increased levels of disturbance, noise, vibration and lighting from sites located within close proximity to sensitive sites/qualifying features”.

Policy MW5 - Dust

Kearton Farms: P.32 Policy MW5 confirms that ‘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...’ NPPF paragraph 210 confirms that planning policies should ‘...f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality...’ In this respect, it is considered

that 'a demonstrable impact' should be replaced by 'an unacceptable adverse impact'. Such a revision to Policy MW5 ensure consistency with the 'unacceptable adverse impact' wording in Policy MW1.

Durham County Council Response: Comments accepted. The wording which was used in the Draft Plan i.e., "demonstrable Impact" has been replaced with "unacceptable adverse impact".

Mineral Products Association: "...the dust emissions from the proposed development will not have a demonstrable impact on the environment, local amenity or human health." It is likely that all operations will have a 'demonstrable' impact, the determining criteria should be whether or not this impact is 'unacceptable'. We suggest amending the wording accordingly. Also, use of the word 'unacceptable' appears in other policies. '...the dust emissions from the proposed development will not have [Remove: a demonstrable] [Insert: an unacceptable] impact on the environment, local amenity or human health.'

Durham County Council Response: Comments accepted. The wording which was used in the Draft Plan i.e., "demonstrable Impact" has been replaced with "unacceptable adverse impact".

Mineral Products Association: Paragraph 5.65 "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)." The basis of the 1000m distance is unclear. We believe quoting such as distance without a sound evidence base is unhelpful and may be confusing and misused. We suggest the plan includes evidence to support the 1000m distance referred to or the sentence is deleted, as earlier policies refer to separation distances being site specific in accordance with the PPG. [Remove: "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)."]

Durham County Council Response: The 1000m distance threshold is referred to in the Dust Site Assessment flow chart (Paragraph: 032 Reference ID: 27-032-20140306 Revision date: 06 03 2014). The basis for the 1000m distance which is referred to is the research carried out by Arup Environmental/Ove Arup and Partners⁸ in 1995 on behalf of the Department of the Environment

⁸ Arup Environmental/Ove Arup & Partners 1995. The Environmental Effects of Dust from Surface Minerals Workings. Report on behalf of the Department of the Environment.

which addressed the environmental effects of dust from surface minerals workings and the University of Newcastle upon Tyne⁹ in 1995 on behalf of the Department of Health and the Department of Environment, Transport and the Regions, which considered whether particulates from opencast coal mining impair children's respiratory health. Their advice was incorporated into the Technical Guidance to the National Planning Policy Framework (March 2012) which advised that, "additional measures to control PM10 might be necessary if, within a site, the actual source of emission (e.g. the haul roads, crushers, stockpiles etc.) is within 1,000m of any residential property or other sensitive use" and that, "However, the cut-off point for individual proposals (and consideration of additional assessments) may vary according to local circumstances (such as the topography, the nature of the landscape, the respective location of the site and the nearest residential property or other sensitive use in relation to the prevailing wind direction and visibility)". The 1995 research was also reflected previously in Annex 1 of Minerals Policy Statement 2 (March 2005) which advised that the Committee on the Medical Effects of Air Pollutants (COMEAP) endorsed the findings of the University of Newcastle-upon-Tyne's report, that COMEAP noted that the increase in particle concentrations close to opencast sites was more likely due to earthmoving and excavation than to the release of coal particles, and because the activities identified are common to all mineral sites, the Government considers that the research recommendations should be extended to cover all types of mineral workings.

Breedon: Paragraph 5.65 This states '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).' The basis of the 1000m distance is unclear. We believe quoting such as distance without evidence is unhelpful and should either be deleted or evidence included in support of it.

Durham County Council Response: The 1000m distance threshold is referred to in the Dust Site Assessment flow chart (Paragraph: 032 Reference ID: 27-032-20140306 Revision date: 06 03 2014). The basis for the 1000m distance which is referred to is the research carried out by Arup Environmental/Ove Arup and Partners in 1995 on behalf of the Department of the Environment which addressed the environmental effects of dust from surface minerals workings and the University of Newcastle upon Tyne in 1995 on behalf of the Department of Health and the Department of Environment, Transport and the Regions, which considered whether particulates from opencast coal mining impair children's respiratory health. Their advice was incorporated into the Technical Guidance to the National Planning Policy Framework (March 2012) which advised that, "additional measures to control

⁹ University of Newcastle upon Tyne, 1999. Do Particulates from Opencast Coal Mining Impair Children's Respiratory Health? Report on behalf of the Department of Health and the Department of the Environment, Transport and the Regions (TSO).

PM10 might be necessary if, within a site, the actual source of emission (e.g. the haul roads, crushers, stockpiles etc.) is within 1,000m of any residential property or other sensitive use” and that, “However, the cut-off point for individual proposals (and consideration of additional assessments) may vary according to local circumstances (such as the topography, the nature of the landscape, the respective location of the site and the nearest residential property or other sensitive use in relation to the prevailing wind direction and visibility)”. The 1995 research was also reflected previously in Annex 1 of Minerals Policy Statement 2 (March 2005) which advised that the Committee on the Medical Effects of Air Pollutants (COMEAP) endorsed the findings of the University of Newcastle-upon-Tyne’s report, that COMEAP noted that the increase in particle concentrations close to opencast sites was more likely due to earthmoving and excavation than to the release of coal particles, and because the activities identified are common to all mineral sites, the Government considers that the research recommendations should be extended to cover all types of mineral workings.

Policy MW6 - Blasting

Historic England: The policy contains wording that will ensure that support is only given to proposals which do not result in unacceptable adverse environmental impacts.

Durham County Council Response: Support noted.

Kearton Farms: Policy MW6 in relation to blasting seeks to ensure that ‘...there are no adverse impacts...’ NPPF paragraph 210 confirms that planning policies should ‘...f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality...’ In this respect, it is requested that the policy should be amended to refer to ‘...there are no unacceptable adverse impacts...’ Such a revision to Policy MW5 would ensure consistency with the ‘unacceptable adverse impact’ wording in Policy MW1.

Durham County Council Response: Comment accepted. Policy MW6 to be amended to read, “Proposals for mineral working will be permitted where the operator can demonstrate that, where blasting is required, there are no unacceptable adverse impacts either individually or cumulatively on the environment, and that the ground vibration resulting from blasting will not have an unacceptable adverse impact on people within buildings or to buildings and structures.”

Mineral Products Association: Para 5.68 - 'accumulative' Is this the correct term or should this be cumulative? The following text would suggest 'accumulative'. Check grammar.

Durham County Council Response: Comments accepted. Paragraph 5.68 sentence two to be amended to read, "A key consideration within County Durham is the cumulative impact of blasting within an area and the nature of the geology."

Policy MW7 - Traffic and Transport

Mineral Products Association: 'In granting planning permission, planning conditions will be imposed...' There is an inference that planning conditions, or other such agreements will be imposed in every situation. Amend the text to ensure these will only be applied in appropriate circumstances. 'In granting planning permission, [Insert: and where necessary], planning conditions will be imposed,..''

Durham County Council Response: Comment accepted. Policy MW7 third paragraph to be amended to read, "In granting planning permission where necessary, 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:"

Mineral Products Association: 'Any highways impact resulting from the development should be avoided or mitigated to acceptable levels.' There is always likely to be a highways impact, however, mitigation will only be necessary if this impact is unacceptable. 'Any [Insert: unacceptable] highways impact resulting from the development should be avoided or mitigated to acceptable levels.'

Durham County Council Response: Comment accepted. Policy MW7 third paragraph, criterion b) second sentence to be amended to read, "Any unacceptable highways impact resulting from the development should be avoided or mitigated to acceptable levels".

Kearnton Farms: Policy MW7 second paragraph, first sentence, states that '*The transport of minerals and waste should be sustainable modes such as by rail and low or zero emission vehicles, unless this is demonstrably not possible or unviable...*' It is unclear how the '*demonstrably not possible or unviable*' test would accord with the NPPF section 9 Promoting Sustainable Transport and indeed how would be assessed for each development proposal. In this respect, it is requested that the first sentence of the second paragraph should be amended to '*support the use of sustainable modes for the transport of minerals and waste such as by rail and low or zero emission vehicles.*'

Durham County Council Response: Comment accepted. It is agreed that the proposed wording which was included within the draft plan at Policy MW7 second paragraph, first sentence does not accord with the NPPF section 9 Promoting Sustainable Transport. It is considered that the policy wording should be consistent with the provisions of NPPF para 110 criterion a) which requires that “appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.” In order to accord with NPPF paragraph 110a Policy MW7 paragraph 2 sentence 1 will be amended to read, “Minerals and waste proposals should always seek to maximise the use of sustainable forms of transport where opportunities exist and are practical and economic”. In practice, while it is considered that the policy should seek to require a consideration encourage and therefore help maximise the use of sustainable forms of transport in line with NPPF requirements, it should make clear that this should be considered in the context of practicality and economic viability.

Policy MW8 - Mineral Rail Handling Facilities

Historic England: Page 38 The policy contains wording that will ensure that support is only given to proposals which do not result in unacceptable adverse environmental impacts.

Durham County Council Response: Comment noted.

Mineral Products Association: Para 5.82 ‘...route of existing safeguarded railways and in locations which several quarries.’ We believe there may be text missing from this sentence Check wording.

Durham County Council Response: Comment accepted. Supporting text amended (paragraph 5.582) to add missing wording, “Potentially opportunities may arise for new facilities which lie along the route of existing safeguarded railways and in locations which may serve several quarries.”

Policy MW9 - Borrow Pits

Historic England: The policy contains wording that will ensure that support is only given to proposals which do not result in unacceptable adverse environmental impacts.

Durham County Council Response: Comment noted.

Mineral Products Association: It is imperative that the same environmental criteria stipulated in the proposed policies of the M&WDPD are applicable to Borrow Pits. The policy would benefit from a specific bullet point emphasising this.

Durham County Council Response: Comment accepted. It is intended that all relevant policies within the M&WDPD and the County Durham Plan will be applicable to Borrow Pits. To provide clarity final criterion of MW9 (Borrow Pits) to be amended to read, “The applicant can demonstrate that the working and restoration of the borrow pit will have no unacceptable adverse impacts on the environment, human health, or the amenity of local communities and can meet the applicable requirements of Policy MW1 (General criteria for considering minerals and waste development), Policy MW3 (Noise), M4 (Air Quality & Dust), M5 (Blasting), MW7 (Traffic and Transport) and MW20 (Mineral Site Restoration, Landfill and Landraise).”

Policy MW10 - Onsite mineral processing

Mineral Products Association: We feel this policy is unnecessary, overly restrictive, contrary to recognised and established practice and potentially limits the development of resources, say associated with prior extraction or from satellite sites. Delete the Policy.

Durham County Council Response: The role and purpose of Policy MW10 has been reconsidered and both the policy and supporting text has been rewritten. Policy MW10 of the Publication Draft plan now seeks to be more permissive to meet the operational needs of the County’s minerals and construction industry. It now seeks to provide the decision-making framework for all ‘Ancillary Minerals Related Infrastructure’ which requires planning permission at both active mineral sites and upon employment land. The supporting text to the policy clarifies the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) Part 17, as amended, gives operators permitted development rights for certain ancillary minerals infrastructure at existing mineral sites without planning permission, or subject to prior approval, however, where a proposal does not fall within the provisions of the GDPO and planning permission is required the principal policy against which applications will be determined will be Policy MW10. In order to address concerns regarding the “development of resources, say associated with prior extraction or from satellite sites” the supporting text now clarifies that, “Although it is recognised that there may be operational, environmental and sustainability advantages of ancillary mineral related development located at one mineral site being able to serve other nearby mineral sites. This would make best use of the mineral related infrastructure in one location and obviate the need for unnecessary duplicate facilities elsewhere”.

Breedon: Require Changes - Page 41, Policy MW10 - This policy refers to onsite mineral processing. We feel the policy is unnecessarily restrictive in that it potentially limits the development of resources from satellite sites.

Durham County Council Response: The role and purpose of Policy MW10 has been reconsidered and the policy and supporting text has been rewritten. Policy MW10 now seeks to be more permissive to meet the operational needs of the County's minerals and construction industry. It now seeks to provide the decision-making framework for all Ancillary Minerals Related Infrastructure which requires planning permission at both active mineral sites and upon employment land. The supporting text to the policy clarifies the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) Part 17, as amended gives operators permitted development rights for certain ancillary minerals infrastructure at existing mineral sites without planning permission, or subject to prior approval, however, where a proposal does not fall within the provisions of the GDPO and planning permission is required the principal policy against which applications will be determined will be Policy MW10. In order to address concerns regarding the "development of resources, say associated with prior extraction or from satellite sites" the supporting text now clarifies that, "Although it is recognised that there may be operational, environmental and sustainability advantages of ancillary mineral related development located at one mineral site being able to serve other nearby mineral sites. This would make best use of the mineral related infrastructure in one location and obviate the need for unnecessary duplicate facilities elsewhere".

Mineral Products Association: Para 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.' This statement is factually incorrect. Planning practice guidance is long established on this matter and this is why permitted development rights exist. The PPG is clear that 'conditions may be used to withdraw any outstanding permitted development rights [Insert: only if there are exceptional and sound planning reasons for doing so.]' (Our underlining) Delete the policy and associated text.

Durham County Council Response: The role and purpose of Policy MW10 has been reconsidered and the policy and supporting text has been rewritten. Policy MW10 now seeks to be more permissive to meet the operational needs of the County's minerals and construction industry. It now seeks to provide the decision-making framework for all Ancillary Minerals Related Infrastructure which requires planning permission at both active mineral sites and upon employment land. The supporting text to the policy clarifies the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) Part 17, as amended, gives operators permitted development rights for certain ancillary minerals infrastructure at existing mineral sites without planning permission, or subject to prior approval. However, where a proposal does not fall within the provisions of the GDPO and planning permission is required the principal policy against which applications will be determined will be Policy MW10.

Environment Agency: Policy MW10 details that planning conditions will be imposed, where required, to minimise the adverse environmental impacts from onsite mineral processing. We are in support of this requirement. It is especially important where machinery and activities are proposed on worked quarry floors where there is no protection to the underlying groundwater.

Durham County Council Response: Comment noted. The role and purpose of Policy MW10 has been reconsidered and the policy and supporting text has been rewritten. Policy MW10 now seeks to be more permissive to meet the operational needs of the County's minerals and construction industry. It now seeks to provide the decision-making framework for all Ancillary Minerals Related Infrastructure which requires planning permission, at both active mineral sites and upon employment land. Criterion 1d of the redrafted policy includes policy wording which states, "The proposed ancillary minerals related infrastructure can be satisfactorily located and will not individually or cumulatively in association with the mineral site have an unacceptable adverse impact on the environment.....".

Tarmac: Policies MW10 and MW11 - Onsite mineral processing and Storage of Minerals. It is not clear what Policies MW10 and MW11 are focused towards and how they relate to the normal course of events where a planning proposal will naturally cater for extraction and processing; in doing so assessing the effects of all aspects. The role of the GPDO (The Town and Country Planning (General Permitted Development) (England) Order 2015) at 5.91 is however noted. Policy should recognise that there may be operational, environmental and sustainability advantages to importing and processing material at a single site rather than setting up additional plant elsewhere. These can be assessed on a site-by-site basis and the outright ban contained in MW10 Point 3 should be reconsidered.

Durham County Council Response: The role and purpose of Policy MW10 has been reconsidered and the policy and supporting text has been rewritten. Policy MW10 now seeks to be more permissive to meet the operational needs of the County's minerals and construction industry. It now seeks to provide the decision-making framework for all Ancillary Minerals Related Infrastructure which requires planning permission at both active mineral sites and upon employment land. The supporting text to the policy clarifies the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) Part 17, as amended gives operators permitted development rights for certain ancillary minerals infrastructure at existing mineral sites without planning permission, or subject to prior approval, however, where a proposal does not fall within the provisions of the GDPO and planning permission is required the principal policy against which applications will be determined will be Policy MW10.

Criterion 3 of the Draft Plan has been deleted and the supporting text of the revised policy recognises and addresses that there may be operational, environmental and sustainability advantages to importing and processing material at a single site rather than setting up additional plant elsewhere. The supporting text now states, “Although it is recognised that there may be operational, environmental and sustainability advantages of ancillary mineral related development located at one mineral site being able to serve other nearby mineral sites. This would make best use of the mineral related infrastructure in one location and obviate the need for unnecessary duplicate facilities elsewhere.”

Policy MW11 - Storage of minerals

Mineral Products Association: We believe this policy is unnecessary as mineral stockpiling considerations are routinely included under the main minerals consent being ancillary to the main extraction and/or processing operations. Delete the Policy or reword the Policy to acknowledge that it is unlikely that a separate permission is required for minerals stockpiling.

Durham County Council Response: Policy MW11 was included within the draft plan to replace a similar policy within the County Durham Minerals Local Plan and was intended to relate mainly to brickmaking raw materials obtained from surface mined coal sites. Given that we cannot recall of any occasion in the last ten years when the County Durham Minerals Local Plan Policy had been used, we have reviewed the need for such a policy and agree that this policy is unnecessary as mineral stockpiling considerations should be included under the main minerals consent being ancillary to the main extraction and/or processing operations.

Tarmac: Onsite mineral processing and Storage of Minerals It is not clear what Policies MW10 and MW11 are focused towards and how they relate to the normal course of events where a planning proposal will naturally cater for extraction and processing; in doing so assessing the effects of all aspects. The role of the GPDO (The Town and Country Planning (General Permitted Development) (England) Order 2015) at 5.91 is however noted. Policy should recognise that there may be operational, environmental and sustainability advantages to importing and processing material at a single site rather than setting up additional plant elsewhere. These can be assessed on a site-by-site basis and the outright ban contained in MW10 Point 3 should be reconsidered.

Durham County Council Response: Policy MW11 was included within the draft plan to replace a similar policy within the County Durham Minerals Local Plan and was intended to relate mainly to brickmaking raw materials obtained from surface mined coal sites. Given that we cannot recall of any occasion in the last ten years when the County Durham Minerals Local Plan Policy had

been used, we have reviewed the need for such a policy and agree that this policy is unnecessary as mineral stockpiling considerations should be included under the main minerals consent being ancillary to the main extraction and/or processing operations. Comments in relation to Policy MW10 are addressed in the Council's response above.

Policy MW12 - Periodic Review of Mineral Planning Permissions

No comments made.

Policy MW13 - Local Liaison Groups

Mineral Products Association: '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.' Whilst as an industry we support the establishment of local liaison groups, it is unclear how such a policy can be enforced. The policy needs to be re-worded to ensure local liaison groups are 'encouraged'. 'Where appropriate and deemed necessary the Council will [Remove: require] [Insert: encourage] 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.'

Durham County Council Response: Comments accepted. However, following further policy development the Council has decided that a specific policy on this matter is not necessary and instead that it is necessary only to include supporting text upon local liaison groups.

Mineral Products Association: Para 5.100 - 'Local Liaison Groups can be required by either condition or legal agreement at the time planning permission is granted.' This statement is factually incorrect and such a condition would fail the defined tests for planning conditions. Yes, Local liaisons groups are 'nice to have' and we encourage our members to hold them regularly, however, we question whether or not they are:- necessary; relevant to planning; enforceable or reasonable in all other aspects. Reword the policy and delete the sentence.

Durham County Council Response: Comment accepted. However, following further policy development the Council has decided that a specific policy on this matter is not necessary and instead that it is necessary only to include supporting text upon local liaison groups.

Environment Agency: In Chapter 6, reference is made to the Department for Energy and Climate Change (DECC). DECC has now merged and is referred to as the Department of Business, Energy and Industrial Strategy (BEIS).

Durham County Council Response: Comments accepted. Paragraph 6.2 sentence 1 and 2 to be amended to read, ““Most conventional and unconventional oil and gas operations are the subject of a licensing system operated by the Department of Business, Energy and Industrial Strategy (BEIS). Petroleum Exploration and Development Licences (PEDL) are periodically issued by BEIS through licensing rounds which grant time limited exclusivity to operators in the licence area”.

Policy MW14 - Oil and Gas Exploration, Appraisal and Production

Historic England: We support the wording of the policy in respect of proposals not being approved where there would be unacceptable adverse impacts on the environment.

Durham County Council Response: Support noted.

Durham Green Party: The Climate should be added to the 'unacceptable adverse impacts' list of MW14 (p48).

Durham County Council Response: The Council considers that the policy approach of the draft Minerals and Waste Policies and Allocations document is consistent with the provisions of the National Planning Policy Framework (NPPF) and the Planning Practice Guide (PPG) and does not support the proposed change to Policy MW14. The NPPF’s approach to climate change is set out in section 14 of the NPPF ‘Meeting the challenge of climate change, flooding and coastal change. The emphasis set out within NPPF paragraph 152 is that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change....” and at NPPF paragraph 153 that “Plans should take a proactive approach to mitigating and adapting to climate change.....”. Similarly, the NPPF paragraph 209 is clear that, “It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs” and at NPPF paragraph 210 advises that planning policies should, “provide for the extraction of mineral resources of local and national importance....”. In providing guidance for ‘Oil, gas and coal exploration and extraction’ there is no requirement to restrict energy minerals on climate change grounds. Furthermore, in line with the provisions of the NPPF the PPG (Climate Change) focus is upon, how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change. Climate change is also not listed as a principal environmental issue of minerals working that should be addressed by mineral

planning authorities within the PPG Paragraph: 013 Reference ID: 27-013-20140306 and is not referred to within the PPG sections related to planning for hydrocarbon extraction.

Policy MW15 - Transport of Oil and Gas

Historic England: The policy includes criteria that ensures proposals will not be permitted where there are unacceptable adverse environmental impacts. We therefore support the policy.

Durham County Council Response: Support noted.

Chapter 7: Other Minerals

Policy MW16 - Vein Minerals, Lithium, Silica Sand/Moulding Sand and Ganister

Mineral Products Association: ‘...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.’ We note a number of these minerals are recognised within the NPPF and national planning policy applies, as noted for example in subsequent paragraphs. It may be worth inserting reference to this in the policy. We also feel it may be appropriate to refer to the mineral planning factsheets commissioned by Government and produced by the British Geological Survey. ‘...will be determined in accordance [Insert: with national policy as indicated in the National Planning Policy Framework], Policy MW1 (General criteria for considering minerals and waste development) and other relevant M&WDPD and County Durham Plan policies.’

Durham County Council Response: Comment accepted. Policy wording has been added to Policy MW16 to make clear that the Council in determining planning applications will provide for the extraction of a steady and adequate supply of industrial or other minerals which are essential to help maintain national supply and/or meet net zero carbon ambitions. The supporting text has been amended to refer to the British Geological Surveys Mineral Planning Fact Sheets for Barytes and Fluorspar.

Historic England: Perhaps needs revision.

Durham County Council Response: Through work to prepare the Publication Draft Plan Policy MW16 has been amended but still refers to heritage assets within the first paragraph of the Policy.

Environment Agency: It is noted that the exploration of Lithium within the County is referenced within Chapter 7. As stated previously, these types of schemes are in complex geological and hydrogeological locations and therefore a phased, risk-based approach may be required.

Durham County Council Response: Comment accepted. Additional supporting text has been added to clarify that given the complex geological and hydrogeological locations associated with such extraction a phased risk-based approach will be required. The following text has been added, “The extraction of Lithium from hot saline brine groundwaters utilising lined boreholes represents a novel form of mineral extraction which has similar characteristics to conventional oil and gas extraction. Given the complex geological and hydrogeological locations associated with such extraction a phased risk-based approach will be required. Proposals to produce lithium at a commercial scale including well sites and facilities and other related ancillary development and infrastructure will only be permitted in accordance with an overall agreed scheme. It will be essential that proposals are located and operated to minimise both unacceptable environmental and amenity impacts, provide any necessary mitigation and enhancements and include a decommissioning strategy which provides for the restoration and aftercare to a high standard at the earliest opportunity once extractive operations has permanently ceased.”

Durham Green Party - Chap 7: For potential Lithium mining in the county (p54) the wording for providing a separate policy for this should be changed to 'will be prepared' not 'may'. On Peat extraction (p57), CDP policy 35 (Water) and DCC's CERP should also be taken into account for planning decisions near areas of peat (Para 7.20), in addition to CDP policy 41 (Biodiversity).

Durham County Council Response: Comments noted. In response to comments received and further policy development amendments have been made to Policy MW16 and the supporting text. Policy MW16 has been revised to include policy wording which would be applicable to proposals for Lithium extraction.

Policy MW17 (Peat) has been included within the Minerals and Waste Policies and Allocations Document in order to respond to the requirements of NPPF paragraph 210 which advises that ‘planning policies should provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction’. The policy refers to peats nature conservation value, water management role and their role as a carbon store. The supporting text also states, “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).” In relation to planning decisions near areas of Peat, CDP Policy 41 (Biodiversity and Geodiversity) already states, “Development proposals which are likely to result in the loss or

deterioration of irreplaceable habitat(s) (such as peatlands or lowland fen) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists”, accordingly it is considered that no further wording is necessary.

Northern Lithium: I write on behalf of Northern Lithium Limited in response to the current consultation on the draft Minerals and Waste Policies and Allocations Document. Draft policy MW16 relates to vein minerals, lithium, silica sand/moulding sand and ganister and references Policy MW1 (general criteria) for the assessment of proposals to exploit these resources. I attach a factsheet produced by Northern Lithium which may be of assistance in helping you with your policy deliberations in relation to the production of lithium. The factsheet provides details of the company and its option/lease interests across a large part of Weardale. It also provides a concise guide to the planned process of extracting lithium from groundwater and the role that this critical mineral will play in the drive towards an economy, locally, regionally and nationally based on net zero carbon. The factsheet includes a plan indicating the extent of the option/lease area which could assist you should you wish to draft up a separate policy relating specifically to safeguarding for lithium exploration and production. My clients would welcome the opportunity to discuss this further in person (and have good availability in November) as part of an ongoing dialogue relating to this exciting new prospect in the County.

Durham County Council Response: In relation to the safeguarding of the target veins previously identified within the boundary of the lease which your client has secured (the Red Vein and the Main Slitt Vein) which can act as conduits for the saline fluids to come to the surface. These veins have already been safeguarded in relation to Fluorspar through the provisions of County Durham Plan Policy 56 (Safeguarding Mineral Resources) and are shown on the County Durham Plan Policies Map. This safeguarding will afford protection from non-minerals development in accordance with the provisions of Policy 56. Given that safeguarding was addressed within the County Durham Plan, the safeguarding of these veins specifically at this time for Lithium is not considered appropriate. The Council will consider the necessity of explicitly safeguarding parts of these vein structures for Lithium through a future review of the County Durham Plan following the proving of the long-term resource potential for Lithium supply. In doing so consideration will need to be given to the extraction of Fluorspar which is also addressed by Chapter 7 of the Minerals and Waste Policies and Allocations document and identified as a mineral of local and national importance by the National Planning Policy Framework.

The information which has been provided on the project, the potential lithium extraction and production processes and the production potential of the Weardale site, together with what the project could mean for County Durham, the Northeast and the UK has been most helpful for consideration of the Councils approach to Lithium. It has enhanced the understanding that we have

gained of the project since the initial meeting which was held between the Council and Northern Lithium in March 2021. In response to comments received and further policy development, amendments have been made to Policy MW16 and the supporting text.

Banks Group: The Banks Group OBJECT to the approach taken in Chapter 7 of the MWPAD on the grounds that the approach taken in Chapter 7, and the resulting policy MW16, will limit innovation in the development of new mineral opportunities in the County. In doing so the MWPAD fails to accord with national planning policy in relation to the sustainable development of minerals in the NPPF as well as the UK Government's Net-Zero Strategy 2021.

Why the Plan is Unsound

The National Planning Policy Framework (NPPF) expects plans to, inter alia, be prepared with the objective of contributing to the achievement of sustainable development and be prepared positively in a way that is aspirational but deliverable. This expectation is not reflected in the policies or approach of the MWPAD in specific regard to minerals described in the document as 'other minerals' i.e., minerals other than those commonly worked for aggregate and construction materials, energy minerals such as coal, oil and gas. The focus on the supply of these 'other' minerals is increasingly becoming more significant as dependency upon these resources increases.

The UK Government's Net-Zero Strategy 2021¹⁰, updated in October 2021, further emphasises the need to make provisions for enabling innovation and flexible policies in the mineral sector, which the current draft MWPAD lacks. The strategy states: 'We will support the engagement of the UK's mining sector in new and existing markets, facilitating investment and collaboration in extraction and processing opportunities.' - (Net Zero Strategy 2021, p.237)

The UK Government has made clear commitments to publish a UK Critical Minerals strategy in 2022, which will set out the nationwide approach to securing technology-critical minerals and metals. These are in line with the Critical Minerals Association's recommendations¹¹, which ask for clear provisions to enable an emerging industry focused on delivering a domestic critical minerals supply and subsequently securing the UK's supply of these essential resources. It also recommends specific actions regarding streamlining the planning and permitting processes, including to: 'Establish an enabling environment for developing and

¹⁰ UK Government (2021) Net Zero Strategy 2021: Build Back Greener, available here: <https://www.gov.uk/government/publications/net-zero-strategy>

¹¹ Critical Minerals Association (2021) Enabling the UK's Green Industrial Revolution: A Blueprint for Responsible Sourcing of Critical Minerals, available here: https://2638b9a0-17df-4510-a42d-e3b1b1c2336f.filesusr.com/ugd/5caeff_44480c03cc834f7f8613b985170f8336.pdf

growing a domestic critical minerals sector by streamlining processes, improving coordination across the planning and permitting systems. Provide regular training events for planning/permitting decision makers on critical minerals exploration, mining, processing, infrastructure/ service needs, ESG, mine closure and stakeholder engagement.’ (Critical Minerals Association, 2021, p.9)

These positive policies and actions are not addressed within the MWPAD.

The potential for the development of new mineral opportunities in the County has been missed in this document due to a lack of engagement, understanding, and forward-looking planning. The MWPAD only specifically highlights 2 metalliferous resources, Zinc and Lithium. It poorly describes them and in some places describes them incorrectly, and fails to expand on their potential as resources of interest for a growing economy and sustainable society. Other minerals of interest occurring within County Durham which are likely to be essential to future technologies are poorly addressed within the MWPAD; these include Rare Earth Elements (REE), Lithium, Fluorspar and Barytes, and other minor ore metals such as Zinc and Lead which are commonly found in vein deposits. However, innovation in mineral extraction is increasingly improving the economic viability of unconventional sources for these minerals, such as reprocessing of waste material in a SEG (social, environmental, and governance) compliant way. This does not exclude the possibility to identify further minerals which are currently not explored for within the County but form a fundamental role within the County’s energy transition.

Rather than enabling beneficial projects and encouraging innovation and investment to come forward the approach taken within the MWPAD deters commercial interest through a presumption against developments.

The MWPAD lacks adaptability when it comes to encouraging the innovation required to meet future demand of materials, it fails to build on the strengths of the County and does not address the challenges of the future. The effect of this failure to provide for innovation within the MWPAD will be to negatively impact responsible investment opportunities and innovation in mineral industries hosted within County Durham, hindering development, and failing to make appropriate provisions to secure resources under the Net Zero Strategy.

Why Innovation is important

The Northeast of England is set to benefit from the Net Zero Strategy, with the region expected to gain 27,000 additional jobs and £1.9 billion of gross value added by 2050 (compared to 2020)¹². However, uncertainty over the supply of materials needed to enable the Net Zero Strategy puts these benefits at risk. The World Bank's 2020 report 'Minerals for Climate Action' highlights the need for a growing minerals sector, estimating that over 3 billion tons of minerals and metals are required to support the development of wind, solar and geothermal power as well as energy storage¹³.

The International Energy Agency (IEA), of which the United Kingdom is a member, states that to meet the Net Zero global target by 2050, mineral inputs will need to be 6 times as much as what's currently produced¹⁴. This bottom-up assessment approach allows for a fair evaluation of the energy sector which includes its supply of materials, which are often not considered a factor in determining the planning feasibility of renewable and technological policies. To put it simply, a single 3MW wind turbine requires 2 tonnes of rare earth elements, 335 tonnes of steel, 1,200 tonnes of concrete, and 4.7 tonnes of copper to be made¹⁵; by increasing the number of wind turbines built the demand will also increase for these raw materials. The NPPF makes it clear, it is the role of the UK planning system to plan for the reliable and adequate supply of these raw materials to support these developments. Current local policies and the emerging policies as set down in the MWPAD fail to encourage the innovation and development needed to meet this demand. This failure adds to the supply risks and is counter to sustainable development targets¹⁶. "Today, the data shows a looming mismatch between the world's strengthened climate ambitions and the availability of critical minerals that are essential to realising those ambitions." - Dr Fatih Birol, IEA Executive Director

¹² Data is presented in the Net Zero in the North East of England: regional transitional impacts paper by the Department for Business, Energy & Industrial Strategy, which can be found here: <https://www.gov.uk/government/publications/net-zero-in-the-north-east-of-england-regional-transition-impacts>

¹³ World Bank Group (2020) Minerals for Climate Action: The Mineral Intensity of the Clean Energy Transition, Available here: <https://pubdocs.worldbank.org/en/961711588875536384/Minerals-for-Climate-Action-The-Mineral-Intensity-of-the-Clean-Energy-Transition.pdf>

¹⁴ International Energy Agency (2021) The Role of Critical Minerals in Clean Energy Transitions, available here: <https://www.iea.org/reports/the-role-of-critical-minerals-in-clean-energy-transitions>

¹⁵ Information is from an infographic produced by the World Bank, and can be found here: <https://www.worldbank.org/en/news/infographic/2019/02/26/climate-smart-mining>

¹⁶ The IEA published a press release explaining the link between the minerals sector and the renewables and technology sectors, which can be found here: <https://www.iea.org/news/clean-energy-demand-for-critical-minerals-set-to-soar-as-the-world-pursues-net-zero-goals>

The transition to green technologies to aid in meeting the UK's Net Zero targets provides a unique opportunity to establish an environment which allows developing industries to thrive in a sustainable manner, subsequently supporting the national effort by ensuring a reliable supply of essential resources and materials needed for the energy transition. As a company with its origins and base in County Durham, the Banks Group wishes to continue its long history and proud track record of successfully working and restoring mineral sites in the County to the highest environmental standards. As a locally based company, the Banks Group continue to form part of a circular economy based around mineral extraction in the County which delivers significant social, economic and environmental benefits which stay within the County.

Nationally, the UK is positioning itself to become a hub for critical minerals innovation, however this needs to be supported at all levels of government. The NPPF makes it clear that local planning authorities have a key role to play in enabling this industrial sector to evolve. The North East of England is at the forefront of this transition, with a high demand for these materials needed to supply its growing 'green' industries.

Innovation will play a fundamental role in reducing the supply risks and enabling the supply of essential materials to the renewable energy and technology sectors. However, the current non-conforming nature of messages and policies promoted at various levels of government acts as a barrier to innovation due to creating uncertainty around what are permissible proposals. This is recognised by the Department for Business, Energy & Industrial Strategy, who further agree that new innovations which are in the forefront of the Net Zero transition are disrupted by uncertainty derived from insufficient planning policy and contrasting messages from different levels of planning authorities¹⁷.

Simply, by fostering innovation through a positive approach to emerging mineral industries, this creates an enabling environment for sustainable mineral developments and aids the accelerating growth of the renewable and technology sectors within the UK by maintaining a reliable supply of material.

Required Changes to the Plan

Given the timetable for the preparation of the MWPAD set down in the Council's Local Development Scheme (2020) it is the view of the Banks Group that the most appropriate way for the Council to address opportunities for innovation in mineral development in the County is to commit to the preparation of a supplementary planning document (SPD) with that specific aim. The preparation of

¹⁷ Department for Business, Energy & Industrial Strategy (2021) Net Zero in the North East of England: regional transitional impacts, available at: <https://www.gov.uk/government/publications/net-zero-in-the-north-east-of-england-regional-transition-impacts>

an SPD should follow on from the publication of the UK Critical Minerals Strategy in scheduled for 2022, and should address the specific actions that County Durham are taking to ensure supply of materials through early engagement and promoting innovation regarding emerging minerals of interest. Alternatively, the Authority should commit to a review of the MWPAD within the first 2 years. Such a review should include proactive engagement with companies such as the Banks Group, with aspirations to see positive innovation in the development of new mineral opportunities in the County.

Durham County Council Response: The draft Minerals and Waste Policies and Allocations Document was prepared between January and May 2021 and consultation started on 24 September 2021. As a result, the Council was not able to consider or take into account the “UK’s Net Zero Strategy: Building Back Greener” which was published on 19 October 2021 following the start of consultation on the draft Minerals and Waste Policies and Allocations Document. Similarly, it was not possible to consider other documents produced by non-governmental organisations such as the Critical Minerals Association’s “Enabling the UK’s Green Industrial Revolution: A Blueprint for Responsible Sourcing of Critical Minerals” which was published in July 2021. The comments provided also refer to the UK Government intention to publish a UK Critical Minerals Strategy in 2022 which was only published on 22 July 2022.

Up until the publication of the UK Critical Minerals strategy on 22nd July 2022 the UK Government has not published a list of critical minerals and there is no reference to critical minerals in the National Planning Policy Framework (NPPF) (July 2021). However, the NPPF does contain a list of mineral resources of local and national importance which includes Fluorspar which was addressed in Chapter 7 of the Draft Plan. It is also noted that the European Commission have, however, published its fourth list of critical minerals in 2020¹⁸. Which lists 30 raw materials including Baryte, Fluorspar and Lithium (which was added to the fourth list in 2020) which are all addressed in Chapter 7 of the Draft Plan.

Chapter 7 of the draft Minerals and Waste Policies and Allocations document sought to address the key vein minerals found within the North Pennines which have been subject to extraction or prospecting in the last thirty years e.g., Fluorspar, Barytes and Zinc. In addition, it sought to address Lithium which is currently subject to exploration activities within the North Pennines. Both Fluorspar and Barytes are also addressed in detail in the Council’s Minerals Technical Paper which was last published in 2019 (Fluorspar is addressed in paragraphs 5.95 to 5.98 and Barytes is addressed in paragraphs 5.99 to 5.103 of the Minerals Technical Paper).

¹⁸ Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability, COM/2020/474 final.

Chapter 7 of the Draft Plan specifically addressed Zinc but did not specifically address lead or ironstone or silver, all of which were worked in the North Pennines at the height of the ore fields period of peak activity in the mid to late 19th Century. The Minerals Technical Paper drew from British Geological Survey (BGS) reports including Mineral Resource Information for Development Plans: Durham and the Tees Valley: Resources and Constraints¹⁹ which was published in 2000. This report advised that “mining for metal ores as the principal product ended in the late 1930s” and advised that exploration work has assessed the likelihood of finding base-metal deposits similar to those worked economically in Ireland that, “No major discoveries of economic significance have been made, but some potential still exists for new mineral deposits to be found and worked in the North Pennines. The Council has given further consideration to the BGS Mineral Planning Factsheet ‘Miscellaneous’²⁰ which was published in 2004 and covers the UK and which advises that, “The vein style mineralisation, on which most of the former base metal mining was based, is unlikely to attract commercial interest as a source of metals in the future. This is because of their relatively small size and high costs of mining of such deposits. This does not, however, preclude exploration for other styles of metallic mineralisation.....” and “There continues to be interest in the metallic mineral potential of Britain and mineral local plans need to be sufficiently flexible to take this possibility into account. The planning issues associated with any new discovery would be dependent on the circumstances, principally location and whether extraction is by surface or underground methods.” In addition, the Council has given further consideration to the BGS Mineral Planning Factsheet ‘Metals’²¹ which was published in 2015 and reported on the potential for large scale base metal (zinc-lead) replacement deposits of the North Pennines Orefield which have been explored by Minco Plc and is reported upon in the Minerals and Waste Policies and Allocations document. As a result of this further consideration the policy has been amended to include reference to Metalliferous Minerals.

Chapter 7 of the Draft Plan did not address Rare Earth Elements (REE) as it was not considered necessary to do so following a review of a document published by the British Geological Survey²² in May 2020 called ‘The Potential for rare earth elements in the UK’. In terms of UK production and resources the report advises that, “In the UK there are many documented occurrences of REE-bearing minerals;” “However, in most cases these occurrences comprise only minor low tenor REE enrichment over restricted areas. For example, many of these minerals are found as rare accessory phases in some Tertiary granites or are minor accessories to lead-zinc-fluorite mineralisation in the Northern Pennine Orefield.” “To date there has been no mine production of

¹⁹ Mineral Resource Information for Development Plans: Durham and the Tees Valley: Resources and Constraints, British Geological Survey, 2000.

²⁰ Mineral Planning Factsheet, Miscellaneous, British Geological Survey, 2004.

²¹ Metals Mineral Planning Factsheet, British Geological Survey, 2015.

²² Raw Materials for Decarbonisation, The potential for rare earth elements in the UK, British Geological Survey, May 2020.

REE-bearing minerals in the UK, nor are there any deposits in which REE reserves or resources have been reported.” In terms of UK occurrences, it reports that, “Historical work in the Northern Pennine Orefield (NPO) identified: (1) the presence of REE-bearing minerals in some mineralised veins (Ixer and Stanley, 1987; Ixer et al., 1996); (2) elevated REE concentrations in fluorite associated with Pb-Zn mineralisation (Shepherd et al., 1982). In 2011 samples of fluorite from the NPO were analysed by BGS to assess the REE potential (Walters, 2011). Compared to samples of fluorite from other parts of the UK (e.g., Southern Pennine Orefield) fluorite from the NPO was found to contain relatively high concentrations of REE (up to 900 ppm). Of particular interest was the observed enrichment in yttrium (up to 310 ppm) and europium (up to 46 ppm) in samples from the Queensberry Ironstone Workings at Cowhill, Weardale. However, all values were found to be subeconomic (Walters, 2011).”

Through the provisions of the County Durham Plan the Council has already safeguarded known veins of vein minerals (Fluorspar and Barytes). The approach which was taken in the Draft Plan has been to provide an overview of the other mineral resources, which the Council considers to be of current or potential interest to future mineral extraction. Providing an overview of past and current economic interest whilst recognising the location of these resources all lie within environmentally sensitive locations. The policy was an initial draft and the Council’s intent was to reconsider the policy following consultation upon the Draft Plan and the Council has now done so. The Council is in agreement that the supply of some of these ‘other’ minerals is increasingly becoming more significant as dependency upon these resources increases, which is why a Chapter has been included within the Draft Plan.

In terms of engagement, over the last 12 months engagement has been undertaken on a number of potential mineral operators in relation to both Lithium and Fluorspar. Through consultation on the Minerals and Waste Policies and Allocations document and through the work of the Council’s development management team interest has been expressed and discussions held with both Weardale Lithium and Northern Lithium who are currently undertaking exploratory drilling for lithium in the North Pennines and British Fluorspar who are also interested in undertaking exploratory drilling in advance of a possible planning application for commercial extraction. Previously, the Council had also sought to continue engagement with Viaton industries, the former operator of Close House Mine in Lunedale, the County’s only Barytes mine, which closed due to a landslip in 2002 and for which a Preferred Area had been identified for further working within the County Durham Minerals Local Plan. Following the end of consultation on the Draft Plan the Council has also identified a further company called Weardale Lithium who will also be consulted at the Publication Draft stage of the Minerals and Waste Policies and Allocations preparation.

The Council notes that the respondent is not promoting a specific site for inclusion within the Minerals and Waste Policies and Allocations document and has also not suggested any revisions to the existing policy wording. The recommendations/actions of the

Critical Minerals Association in relation to matters such as streamlining the planning and permitting processes, fall outside the scope of this document. The Council also notes that the respondent has suggested that the Council commit to the preparation of a Supplementary Planning Document (SPD) to address opportunities in mineral development in the County following on from the publication of the UK Critical Minerals Strategy which was only published on 22 July 2022. The Council is not able to commit to the preparation of an SPD and is not satisfied that such an SPD is either needed, nor what its actual content would be at this time. Similarly, the Council is not able to commit to an early review of the Minerals and Waste Policies and Allocations document. The respondent has been provided with opportunities to engage with the Council and a meeting was held in June 2021 where they were afforded an opportunity to question Council Officers. The Council has also provided the respondent with information including GIS shape files to assist in their work to submit potential site allocations for aggregates, but none have been forthcoming.

Mineral Products Association: Para 7.16 - '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.' This sentence is unclear. Clarify the meaning of this sentence.

Durham County Council Response: Chapter 7 addresses several types of economically important mineral resources which are known to be present in County Durham and which have been worked in the recent past but are not currently worked today including Silica Sand. Paragraphs 7.10 and 7.11 provides information upon the resource of silica sand in County Durham, where it was previously worked and what it was used for prior to the closure of Weather Hill Quarry in 2011. As part of the planning response to Silica Sand the paragraph explains that "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". The sentence, "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" was intended to respond to the requirements of NPPF paragraph 214 which requires that minerals planning authorities should plan for a steady and adequate supply of industrial minerals by co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes and maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. To provide clarity and ensure consistency with NPPF paragraph 214, final sentence to be amended to read, "Should a proposal occur for the working of the silica sand resource within County Durham to provide the feedstock for an industrial or manufacturing use in County Durham or another mineral planning authorities

area, subject to environmental acceptability the Council would seek to facilitate at least a minimum 10-year landbank or a 15-year supply where significant new investment is required.”

Chapter 8: Waste

Environment Agency: We consider that Policies MW18 (Inert waste ‘other recovery’), MW19 (Inert Waste Disposal via landfill) and MW20 (Non-Hazardous Landfill) of the draft plan appropriately align with our permitting principles and requirements.

Durham County Council Response: Comment noted.

Breedon Northern: Despite the inclusion of paragraph 8.3 on page 58, the policies included in this Chapter still do not appear to fully recognize that inert construction demolition and excavation waste (CDEW) can be a valuable resource for use in infilling mineral workings to achieve their restoration to beneficial end uses or to provide new habitats and meet biodiversity action plans and targets. Accordingly, we feel a policy should be added to reflect this. Further some of the policies e.g., MW18 appear to duplicate Environment Agency guidance/regulations for the management of waste and we wonder whether this is necessary or indeed appropriate? We would welcome further opportunities to comment on further iterations of the Plan or indeed meet with Officers if it felt this would be useful.

Durham County Council Response: The Draft Minerals and Waste Policies and Allocations document has sought to update the existing policy framework for waste disposal and waste recovery set out within the existing County Durham Waste Local Plan and meet the commitment made by the Council at the examination of the County Durham Plan and which is reflected in footnote 215 of the County Durham Plan which states, “Policies relating to the future disposal and ‘other’ recovery of inert wastes (including inert construction/demolition/excavation waste) to land and mineral site restoration and after use will be included within the council’s Minerals and Waste Policies and Allocations document. These policies will reflect relevant national policy and will consider, amongst other matters, the objectives of the proposed waste operations and the nature and significance of any resulting benefits”.

In drafting the waste policies within this chapter of the Draft Plan, the Council has sought to ensure the proposed policies reflect the requirements of the EU European Waste Framework Directive which makes a distinction between waste disposal and waste recovery and also to align with the Environment Agency’s permitting principles and requirements, as confirmed by the Environment Agency in their response to the Draft Minerals and Waste Policies and Allocations document. In this regard the approach of the Council has, for many years, been too sure close alignment between the plan policies and the approach of the Environment

Agency, given the close relationships that exist between the waste planning waste permitting regimes. Historically, this can also be seen by how the Council sought to incorporate the Environment Agency's landfill location policy into the County Durham Waste Local Plan and how it now seeks to reflect the Environment Agency's groundwater protection policy into MW21 (Water Resources).

The Council considers that approach which has been prepared is also consistent with Government's National Waste Management Plan for England (January 2021) which advises 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", and the Government's Resources and Waste Strategy which recognises that "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". The Council considers that the approach which has been prepared is also consistent with the Planning Practice Guidance Paragraph: 045 Reference ID: 27-045-20140306 which states, "Some former mineral sites may also be restored as a landfill facility using suitable imported waste materials as an intermediate stage in restoration prior to an appropriate after use."

The Council considers that Policy MW18 - Inert waste 'other recovery' and Policy MW19 - Inert Waste Disposal via landfill should provide the policy framework to enable planning applications for both inert waste recovery and disposal to be determined. It should be noted that the Council is not opposed to further inert landfill utilising "inert construction demolition and excavation waste (CDEW)" and acknowledges that there is currently an identified need for further disposal set out within the provisions of the County Durham Plan (Policy 60). Similarly, paragraph 8.2 of the Draft Minerals and Waste Policies and Allocations document explains, "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 relation to the comment regarding, 'restoration to beneficial end uses or to provide new habitats and meet biodiversity action plans and targets', Policy MW22 (Mineral Site Restoration, Landfill and Landraise) addresses restoration and as worded within the Draft Plan referred at bullet 3 to, "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". This wording is considered sufficient and Policy MW18 (Inert waste 'other recovery'), Policy MW19 (Inert Waste Disposal via landfill) and Policy MW20 (Non-Hazardous Landfill) which all cross refer to Policy MW22 (Mineral Site Restoration, Landfill and Landraise).

Policy MW18 - Inert waste 'other recovery'

Historic England: The policy contains wording that will ensure that support is only given to proposals which do not result in unacceptable adverse environmental impacts.

Durham County Council Response: Support noted.

Northumbrian Water: Policy MW19 within the section entitled Inert Waste Other Recovery mentions the reuse of inert waste of agricultural land. Whilst we recognise the text states that "proposals should not have unacceptable adverse impacts" we feel that this policy and supporting text should be reinforced to explicitly state "No inert waste should be used to improve land quality within a SPZ (Source Protection Zone) 1 or 2 associated with a public or private water supply borehole, or within 50m of a spring or 10m of a surface watercourse."

Durham County Council Response: While it is considered that some minor amendments are required to the approach of the Minerals and Waste Policies and Allocations document to ensure full alignment with Environment Agency policy on groundwater protection, the proposed wording changes are not supported. The Council would welcome further information upon Northumbrian Water's reasoning for the proposed changes and information on the exact location and extent of the areas within which Northumbrian Water proposed that the use of inert waste to improve land quality should be prohibited. The Council currently considers that there is no policy basis for the proposed wording changes and that the extent of the proposed areas of prohibition may be both numerous, extensive and unmappable.

The Councils intent is that Policy M21 (Water Resources) would be applicable to proposals for inert waste 'other recovery'. Unfortunately, due to a drafting error, this policy was referred to as Policy MW21 (Landfill and Landraise - Water Resources) within Policy MW18, Policy MW19, Policy MW20 and at paragraphs 8.6, 8.21, 8.26 and Table A1. These references are to be amended.

Policy MW21 (Water Resources) is considered consistent with the Environment Agency's approach to ground water protection Policy 'E1 – Landfill location'. In order to also align Policy MW21 with the Environment Agency's approach to ground water protection Policy 'F1 - Non-landfill Waste Activities' which applies to deposit of waste for recovery activities Policy MW21 Water Resources will be amended to ensure it applies to both 'Landfill and Landraise' and proposals for 'Inert Waste Other Recovery'. Environment Agency's Policy F1 - Non-landfill waste activities explains that "inside Source Protection Zone 1 the Environment Agency will only object to proposals for new development of non-landfill waste operations where it believes the operation poses an

intrinsic hazard to groundwater. For example, deposit of waste for recovery activities. The Environment Agency will oppose such new developments via the development planning system....” and “For any other non-landfill waste operations that are proposed in SPZ1, when considering any environmental permit application, the Environment Agency will usually require a detailed risk assessment, and mitigation measures to be put in place to manage all risks to groundwater”.

Text to be amended as follows: Policy MW18 - Inert waste ‘other recovery’ criterion 5, Policy MW19 - Inert Waste Disposal via landfill criterion g), Policy MW20 - Non-Hazardous Landfill criterion e), Para 8.6, 8.21, 8.26 and Table A1 (three references) amend reference Policy MW21 (Landfill and Landraise - Water Resources) to Policy MW21 (Water Resources). Policy MW21 paragraph 1 to be amended to read, “Development which could adversely affect the quality or quantity of surface or groundwater will be required to demonstrate no unacceptable impact on the water resources both for the proposed site 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.” Subheading to be amended to read, “Landfill, Landraise and Inert Waste Other Recovery”. Paragraph 3 to be amended to read, “Proposals for landfill and landraise will not be permitted in Groundwater Sources Protection Zone 1”.

Policy MW19 - Inert Waste Disposal via landfill

Historic England: The policy contains wording that will ensure that support is only given to proposals which do not result in unacceptable adverse environmental impacts.

Durham County Council Response: Support noted.

Policy MW20 - Non-Hazardous Landfill

Historic England: The policy contains wording that will ensure that support is only given to proposals which do not result in unacceptable adverse environmental impacts.

Durham County Council Response: Support noted.

Policy MW21 - Water Resources

Historic England: In respect of sewage sludge the policy contains wording that will ensure that support is only given to proposals which do not result in unacceptable adverse environmental impacts.

Durham County Council Response: Support noted.

Environment Agency: We are happy that Chapter 8 references the requirement for detailed assessment of the risks posed by waste sites, especially to the underlying groundwater. Groundwater levels within the Magnesian Limestone have changed dramatically over the past 40 years. In many locations they are much higher than previously, following recovery of water levels in the underlying coal measures. This has meant that many limestone quarries are now below the water table and would be unsuitable for landfill. Policy MW21 (Water Resources) in Chapter 8 should hopefully ensure the appropriate assessments and considerations are undertaken to protect the water environment.

Durham County Council Response: Support noted.

Environment Agency: We welcome reference to the Environment Agency - Coal Authority groundwater screening tool and constraints mapping in Section 8.32.

Durham County Council Response: Support noted.

Environment Agency: We are in support of Policy MW21 (Water Resources), which requires development that could adversely affect quality or quantity of surface or groundwater to demonstrate no unacceptable impact on water resources for both the site and surrounding area and ensures protection to water bodies throughout the whole lifecycle of the development.

Durham County Council Response: Support noted.

Chapter 9: Mineral and Waste Site Restoration

Policy MW22 - Mineral Site Restoration, Landfill and Landraise

Tarmac: Policy MW22 part 3 should be amended to include net gains to biodiversity and where practicable meeting wider objectives including the delivery of nature recovery networks and other relevant plans and strategies to avoid being overly onerous and ensure it is effective having regard to individual site circumstances. Part 5 should be amended to 'restoration in accordance with Policy MW18 (inert waste other recovery) or MW19 (inert waste disposal via landfill)'.

Durham County Council Response: Comments not accepted. Regarding criterion 3 - the approach that Policy MW22 of the Draft Plan took in relation to net gains to biodiversity was to be consistent with the provisions of the National Planning Policy Framework (NPPF). NPPF paragraph 174 requires that "Planning policies and decisions should contribute to and enhance the natural and local

environment by” “d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”. Regarding criterion 5 this criterion already refers to Policy MW18 (inert waste other recovery) and MW19 (inert waste disposal via landfill).

It should be noted that this Policy and its supporting text has been updated as part of work to prepare the Publication Draft Plan. The updated criterion 3 now states, “Are designed to mitigate the effects of the development and provide environmentally beneficial enhancements including where appropriate those which: a) Deliver climate change adaptation and mitigation measures; b) Provide benefits to geodiversity; c) Enhance the character and distinctiveness of the local landscape; d) Enhance or reveal the significance of heritage assets, historic character and the archaeology of the site; e) Provide improved public access and recreation; and f) Assist in the delivery of all relevant plans and strategies”. This criterion is explained by the supporting text of the plan which makes clear at paragraph 8.12 that “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 including but not limited to the County Durham Plan, the County Durham Landscape Strategy, the Council’s Climate Change Emergency Response Action Plan, the County Durham Local Nature Recovery Strategy (once prepared), the County Durham Geodiversity Plan and if located within the North Pennines AONB, the AONB Management Plan and North Pennines AONB Planning Guidelines.” Proposals for restoration and aftercare will therefore need to be prepared by applicants which, “should consider the characteristics of the site and the surrounding land uses and have regard to the requirements of all relevant plans and strategies”. It is not considered that this requirement will be overly onerous.

Please note, biodiversity is now addressed by a separate policy criterion which states, “Deliver significant net gains to biodiversity in line with the requirements of the Environment Act 2021 and which contribute towards establishing coherent and resilient ecological networks through the creation of semi natural habitats integrating with landscape-scale conservation initiatives where appropriate;”.

Historic England: Policy: MW22 Under criteria 3 we would advise direct reference to the historic environment alongside biodiversity. The policy should set out that plans for restoration and aftercare should where appropriate incorporate measures which better reveal or enhance the significance of heritage assets, the historic character of landscape and the archaeology of the former extraction site itself are also given due consideration. More information can be found at our webpage <https://historicengland.org.uk/advice/planning/mineral-extraction/resoration/>

Either add reference in criteria point 3 or add an additional criterion point on the support for proposals for aftercare and restoration which better reveal the significance of heritage assets.

Durham County Council Response: As originally drafted criterion 3 sought to identify the requirement for providing “appropriate environmental enhancements” whilst referring by way of example to “net gains to biodiversity” and “other benefits meeting wider objectives including the delivery of nature recovery networks and other relevant plans and strategies”. Criterion 3 was not intended to be exhaustive and purposefully did not seek to list all relevant “environmental enhancements” and did not seek to identify all “other relevant plans and strategies” which may change over time. In relation to the historic environment the Council recognises that through restoration and after use there may be opportunities for enhancing the setting or helping to reveal the significance of heritage assets. In order to address this comment, the Council proposes that this criterion provides further relevant examples including those that could be delivered to the local landscape as well as to the historic environment. Criterion 3 to be amended to read, “Are designed to mitigate the effects of the development and provide environmental enhancements including where appropriate those which: a) Deliver climate change adaptation and mitigation measures; b) Provide benefits to geodiversity; c) Enhance the character and distinctiveness of the local landscape; d) Enhance or reveal the significance of heritage assets, historic character and the archaeology of the site; e) Provide improved public access and recreation; and f) Assist in the delivery of all relevant plans and strategies.” Additional wording has also been included within the supporting text through paragraph 8.13 of the Publication Draft which states, “After-uses delivered through high quality site restoration can”, and at criterion f) “Provide opportunities for the conservation and enhancement of heritage assets including the setting of heritage assets which better reveal their significance;”

Mineral Products Association: Para 9.2 - ‘...beneficial use’ - It is not clear what this term means. It would be helpful to provide an explanation of the meaning of beneficial use or alternatively use a clearer term.

Durham County Council Response: Comment noted. It is accepted that the term which was used may be taken to mean that mineral extraction and landfill or landraise may not be viewed as a beneficial use. This was not the intention. Paragraph 9.2 of the Draft Plan sentence three to be amended to delete reference to “beneficial use”. Sentence to read, “Whenever possible all such land should be restored through progressive and phased restoration to minimise the period over which the land is utilised for the minerals or waste use, unless it can be demonstrated that this is not practical or possible because of site characteristics or constraints.”

Mineral Products Association: Para 9.5 - ‘...exceptional circumstances..’. Reference is made to the wording of the Planning Practice Guidance. The text should be amended to reflect the PPG ‘...exceptional circumstances cases’

Durham County Council Response: Comment noted. The wording of the Draft Plan is consistent with NPPF paragraph 211e) which states, “Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances”. Text to be amended to reflect the PPG more closely. Paragraph 9.5 of the Draft Plan sentence three to be amended to read, “National planning policy advises that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional cases and further information is provided in the Planning Practice Guidance upon how mineral planning authorities should deal with any concerns about funding and when a financial guarantee is justified”. Insert new footnote after “justified” to refer to PPG text, “Paragraph: 048 Reference ID: 27-048-20140306 Revision date: 06 03 2014 provides guidance on when a financial guarantee is justified.”

Environment Agency: We support Section 9.6 of Chapter 9, which identifies that there may be circumstances where mitigation measures, monitoring and aftercare need to take place for a prolonged period of time after operations have ceased in order to mitigate environmental risks.

Durham County Council Response: Support noted. However, in order to ensure that future planning permissions relating to the allocations also have ‘monitoring and mitigation requirements in place text has been included within the water resources text for each allocation to include reference to monitoring.

Historic England: Para 9.12 As stated above there can be a strong role for the conservation and enhancement of heritage assets when planning for the aftercare and restoration of a minerals site, we therefore advise this is added to the list of points under this paragraph. Add additional point that restoration can provide opportunities for the conservation and enhancement of heritage assets including through legibility and telling the story of a site’s history which can be important to the community.

Durham County Council Response: Comment accepted. It is considered that through the restoration and after use of land taken for mineral working and waste development that there may be opportunities for conserving and enhancing the settings of heritage assets and which better reveal their significance. Criterion 3 of the Policy to be amended to read, “Are designed to mitigate the effects of the development and provide environmental enhancements including where appropriate those which: a) Deliver climate change adaptation and mitigation measures; b) Provide benefits to geodiversity; c) Enhance the character and distinctiveness of the local landscape; d) Enhance or reveal the significance of heritage assets, historic character and the archaeology of the site; e)

Provide improved public access and recreation; and f) Assist in the delivery of all relevant plans and strategies.” Additional wording has also been included within the supporting text through paragraph 8.13 of the Publication Draft which states, “After-uses delivered through high quality site restoration can”, and at criterion f) “Provide opportunities for the conservation and enhancement of heritage assets including the setting of heritage assets which better reveal their significance;”

Mineral Products Association - Para 9.12 - This paragraph lists after-uses which could be delivered through site restoration. The paragraph falls short of the scope identified in the PPG Paragraph: 045 Reference ID: 27-045-20140306. The PPG includes: ‘creation of new habitats and biodiversity; use for agriculture; forestry; recreational activities; waste management, including waste storage; and the built environment, such as residential, industrial and retail where appropriate.’ In addition to those potential after-uses identified, the paragraph should be broadened to include the wider scope identified in the PPG.

Durham County Council Response: Paragraph 9.12 was not intended to directly replicate the uses referred in Paragraph: 045 Reference ID: 27-045-20140306. Paragraph 9.16 and footnote 45 refers to the Planning Practice Guidance, which provides guidance on the restoration and after use of mineral sites. It is proposed that the following amendments should be made to paragraph 9.12 of the Draft Plan, criterion c) amend to read, “Create new habitats and biodiversity thereby helping to provide significant net gains to biodiversity, by contributing to semi natural habitat creation and helping to deliver local nature recovery networks;”; criterion g) amend to read “Create new areas of forestry and community woodland”. In addition, in order to provide a link to paragraph 9.13 and 9.14 which address agriculture, add new criterion h), “provide land which can be used for agriculture”. Additional sentence added to paragraph 9.15 of the Draft Plan to reflect that some permanent waste management uses may be appropriate for former waste and mineral sites. “Some former mineral sites may also be suitable for a permanent waste management as shown by the former Aycliffe Quarry which accommodates a number of permanent waste management uses.” Additional sentence also to be added to end of paragraph to reflect that built environment uses such as residential, industrial and retail may be suitable where appropriate, “Some former mineral sites and waste sites may also be suitable for other built environment uses and may also readily lend themselves to renewable and low carbon energy generation which may help offset the climate change impacts of mineral working”.

Environment Agency: With regards to restoration, there always need to be a careful balance between enhancing biodiversity and the long-term protection of groundwater and other water resources. Woodland planting is referenced in Section 3.7 of the plan. Woodland planting, though beneficial, must be located in the correct location. Woodland planting may assist flood alleviation, but

trees can also take up more water, reducing infiltration and recharge to groundwater. Any proposed woodland planting should consider the risks to groundwater and local water dependent features such as springs as well as flood risk.

Durham County Council Response: Comment accepted. Insert new paragraph after paragraph 9.9 of the Draft Plan to address Environment Agency comments related to water environment in chapter 9 and related to Policy MW3. New paragraph, “When restoring sites, it is essential that sufficient regard is given to the long-term protection of groundwater and other water resources including rivers and streams. Where retention of open water is proposed at any mineral site, particularly when the water is groundwater, there needs to be an assessment of whether that is the most environmentally beneficial option. Consideration will need to be given as to whether having large water features could impact adjacent water supplies (particularly small private supplies including springs), impact on groundwater flood risk and increase pollution risks. Potential impacts could include pollution from adjacent land uses e.g., nitrate or pesticides from farming leaching directly into the water supply or in the case of the Magnesian Limestone, allowing for mine water to enter from below if water levels are no longer controlled. Similarly, woodland planting may assist flood alleviation, by taking up more water, but trees can also take up more water, reducing infiltration and recharge to groundwater. Any proposed woodland planting should consider the risks to groundwater and local water dependent features such as springs as well as flood risk”.

Durham Green Party: There should be a specific reference in MW22 (p71) on the long-term effects on local watercourses/water table (referring back to MW21).

Durham County Council Response: Comments accepted. As outlined in response to comments from the Environment Agency (directly above), additional supporting text has been included to require that when restoring sites, it is essential that sufficient regard is given to the long-term protection of groundwater and other water resources including rivers and streams.

Chapter 10: Potential Non-Strategic Minerals and Waste Allocations

Mineral Products Association: Para 10.8. ‘...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.’ The paragraphs should be amended to reflect the requirements of the NPPF para 213) which is to maintain a landbank of ‘at least’ seven years for sand and gravel and at least 10 years for crushed rock ‘...it is now considered that allocations for further sand and gravel are now required to maintain a steady and adequate supply and maintain [Insert: at least] a seven-year [Insert: sand and] gravel landbank.’

Durham County Council Response: Comment accepted. Amend final sentence to read, “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 at least a seven-year sand and gravel landbank at 2035.”

Mineral Products Association: Para 10.9. “Increased sales have led to an increase in the Annual Demand Requirement...” We question is the wording of this is correct and suggest that the Annual Demand Requirement is a projection. ‘Increased sales have led to an increase in the [Insert: projected] Annual Demand Requirement...’

Durham County Council Response: The Council’s Local Aggregate Assessment, the “Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear” (Joint LAA) which is prepared with Council’s within both Northumberland and Tyne and Wear refers to “Annual Demand Requirement” which is the figure, which is calculated within the Joint LAA, and which forms the basis of projections within the Joint LAA. The approach which has been taken in recent iterations of the Joint LAA, including that from which the figures within the draft Minerals and Waste Policies and Allocations Document are sourced, has been to base the Annual Demand Requirement for both sand and gravel and crushed rock on the last three years sales. This Annual Demand Requirement has then been used to prepare a demand forecast, which for sand and gravel is shown in Table 2: Sand and Gravel Supply Forecasts (2019 to 2035). For example, within both Table 6.1 ‘Assessment of the balance between supply and demand for crushed rock from County Durham’ and Table 6.2 ‘Assessment of the balance between supply and demand for sand and gravel from County Durham,’ reference is made to the Annual Demand forecast in the LAA which is then used to calculate the Demand Forecast.

Mineral Products Association: Par 10.12. 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. See comment above re the landbank requirements in the NPPF which for crushed rock is ‘at least 10 years. Further, the sentence is not clear and further clarification or explanation may be required. Amend accordingly.

Durham County Council Response: Comment accepted. Amend final sentence to read, “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 at least a ten-year rock landbank could also be maintained at 2035 and that in overall terms the County’s quarries were able to meet the scale of production required by the annual demand requirement”.

Tarmac: Potential Non-Strategic Minerals and Waste Allocations - Sites have been promoted by Tarmac for consideration as allocations within the Plan. We are pleased to see Thrislington West proposed for allocation. Further information and clarification have been provided regarding the two areas of Quarrington Quarry which hopefully assists in further analysis of their suitability to form allocations within the Plan.

The Plan identifies an additional need for sand reserves to meet anticipated demand certainly later in the Plan period and the Permian sand resource at Old Quarrington Quarry could contribute.

It appears that crushed rock productive capacity amounts to circa 3.3mtpa (LAA April 2021 using 2018 sales and reserve data. Although the landbank position is healthy, careful consideration should always be given to true productive capacity taking account of all site factors and capacities to ensure that there is sufficient flexibility built in to sustain supply.

Paragraph 10.14 discusses the position of Thrislington East quarry restriction, a current proposal for short term relaxation of restrictions and the approval of schemes to move production into Cornforth notes.

In the consultation summary response to representations made in February 2021 Durham CC maintain however that any flexibility to that approach is contrary to current County Durham Plan Policy CDP57, most notably, 'ensuring that both existing and future permitted reserves of high-grade dolomite are worked efficiently for high grade purposes and not used unnecessarily for low grade purposes.' As stated earlier in this response under the Thrislington quarry section the Plan should consider or at least be flexible enough to consider partial relaxation of this restriction if there are strong economic, environmental and sustainability justifications most particularly on climate change agenda.

Durham County Council Response: A response will be provided to the further information on proposals at Old Quarrington Quarry below, in the section of this document which addresses non-allocated sites. See Site M8/W2 Cold Knuckle Magnesian Limestone and inert infill and Site M9/W3 Old Quarrington Quarry (Northern part of Quarry).

Regarding productive capacity, through work to prepare the Council's Local Aggregate Assessment the Council has sought to set out its estimate of overall crushed rock productive capacity. The results of this work are set out in Table 4.8 'Estimate of Permitted Reserves, Maximum and Potential Productive Capacity' of the Council's Local Aggregate Assessment and have not been challenged by the membership of the Aggregates Working Party as part of the scrutiny process undertaken by the Aggregates Working Party upon the Local Aggregate Assessment. Table 4.8 estimates that crushed rock productive capacity amounts to circa

4.8 million tonnes per annum. The Council acknowledges that this is based upon all sites listed within Table 4.8 of the Joint LAA being in operation and recognises that a number are not currently operational - Broadwood Quarry, Witch Hill Quarry, Running Waters Quarry, Cornforth East Quarry, Cornforth West Quarry and Hawthorn Quarry. A number of these currently non-operational sites are in Tarmac's ownership and are currently subject to planning applications as part of the company's plans to resume and/or vary operations.

The Council agrees that 'true' productive capacity at any one time will be dependent on a range of factors of which the ability and willingness of individual operators to work sites for which they have planning permission is key, together with site operational matters including extractive and processing machinery associated with each quarry. Through the Council's Local Aggregate Assessment, the ability of County Durham's quarries to supply crushed rock is being monitored annually. Past sales provide a good indication of the ability of the County's sites to respond to market demand for crushed rock aggregate and in this regard crushed rock aggregate sales in were reported as 3.484 million tonnes in 2018, 3.256 million tonnes in 2019 before falling to 2.6 million tonnes in 2020. Sales in 2018 were at the highest level since 2007 and have only been higher on four occasions since 2001. Based upon analysis within the Local Aggregate Assessment the Council has no reason to conclude that County Durham's crushed rock sites could not exceed 2018 sales should a demand be placed upon them.

Reference is made to the proposals by Tarmac for Thrislington East Quarry. The Council's response to this proposal is addressed in the Statement of Consultation Regulation 18 Notice of intent to prepare a Development Plan Document and Minerals and Waste Call for Sites (September 2021). The Council notes that reference is now made to strong economic, environmental and sustainability justifications most particularly on climate change agenda, but no detail is provided to explain what these justifications are related to.

Through further correspondence in April 2022 with Tarmac, when asked, 'I would be grateful if you could elaborate upon your reference to "climate change targets". How would reviewing the protection that the County Durham Plan currently affords to the permitted reserves of industrial grade limestone at Thrislington East Quarry help achieve climate change reduction targets?' advised, 'All planning policy and decision-making should now consider how development can support the carbon reduction agenda. This factor is overarching. Environmental Assessments now commonly require a chapter on climate change. Tarmac has its own carbon reduction commitments, which will in turn contribute to the wider societal reduction. This is driving a review of all operations to see what can be done and when including, for example electrification, of fixed plant, use of conveyors in place of dump trucks where practical and a drive to support the development and introduction of non-fossil fuel mobile plant. All future projects are under

review and the next big change at Thrislington is the necessary switch to Cornforth quarry due to the planning restriction at Thrislington East. The CO2 implications of that move are currently under review, and we hope to share something soon. Meantime we believe that the scale of changes needed to achieve CO2 reduction will need to inform all planning policy, the application of that policy and decision making.'

The Council is in agreement of the importance of seeking to meet the challenge of climate change. In this regard Policy MW1 and its supporting text has been redrafted to strengthen and align its provisions with NPPF requirements. Nonetheless, this does not change the Council's approach to the conservation and use of high grade dolomite. To reiterate, the approach of the statutory development plan to existing and permitted reserves of high-grade dolomite is set out by Policy 57 (The Conservation and Use of High-Grade Dolomite) of the recently adopted County Durham Plan (October 2020). The approach that the statutory development plan takes to this issue can only be reconsidered through a review of the County Durham Plan. Other than considering and providing clear reasoning for the Council's response to Tarmac's proposal for a proposed allocation, the Council does not consider that there is a need for the Minerals and Waste Policies and Allocations document to consider this issue further.

Rolling Stock Engineering: On behalf of Rolling Stock & Engineering Co Ltd, owner of Hawthorn Quarry, Co Durham, we make the following representation regarding the Minerals and Waste Development Plan. Please correct the error in footnote 53, page 82 to include red text, "...The permitted reserves at Thrislington East Quarry and Hawthorn Quarry are the only remaining permitted resource of this mineral within County Durham and are an important national resource."

Durham County Council Response: Comment accepted. Footnote 53 of the Draft Plan will be amended to provide qualification that, "In addition to the deposits of high-grade dolomite at Thrislington Quarry and the area to the east of the quarry, deposits of high-grade dolomite of sufficient purity for colourless glass manufacture have also been proved at Hawthorn Quarry, on the coast south of Seaham."

Tarmac: Hawthorn Quarry There is an error on page 82 within footnotes 52 to 54. Footnote 53 is incorrect as it wrongly suggests that Thrislington Quarry is the only remaining permitted resource of high-grade limestone within County Durham. The reserves at Hawthorn Quarry are also high-grade limestone and the Policies and Allocations DPD and LAA should be updated to reflect this.

Durham County Council Response: Comment accepted. Footnote 53 of the Draft Plan will be amended to provide qualification that, "In addition to the deposits of high-grade dolomite at Thrislington Quarry and the area to the east of the quarry, deposits of

high-grade dolomite of sufficient purity for colourless glass manufacture have also been proved at Hawthorn Quarry, on the coast south of Seaham.”

Environment Agency: The risk of pollution to groundwater in the Magnesian Limestone principal aquifer (including the Basal Permian Sands) from poor quality water in the underlying Coal Measures is high. Some existing sites such as Thrislington Quarry already have monitoring and mitigation requirements in place for existing permissions. As a minimum, these requirements would also be required for any future permissions. However, there may be a time within the plan period where the risk to groundwater is unacceptable and cannot be adequately mitigated. Whilst we note, that Policy MW23 (Site specific allocation at Thrislington West Quarry) requires proposals to demonstrate that there will be no unacceptable adverse impacts on the environment, the risk of pollution to groundwater from proposals for the winning and working of Basal Permian sand as outlined in the Sustainability Appraisal, should be discussed in the supporting text of Policy MW23. Also, the risk to groundwater should be highlighted Sections 10.18-10.10 (Sand and Gravel) of the plan in relation to relate to Basal Permian Sand extraction at Thrislington Quarry and potentially at Crime Rigg Quarry.

If, in future, old sites such as Hummerbeck are to be considered it may be beneficial to seek initial comments on any environmental concerns and/or opportunities before any allocations are progressed. For example, Hummerbeck is a known area for high groundwater levels, with many mine water discharges in the area. This could pose an unacceptable risk or it could be an opportunity to resolve historic pollution problems. Either could impact the viability of such schemes.

Given the high-risk nature of the groundwater at the Thrislington and Crime Rigg quarries, we are pleased to see there is no allocation to allow landfilling to occur.

Durham County Council Response: The Council notes the Environment Agency’s concerns in relation to poor quality in the coal measures which underlie the principal aquifer in East Durham, and it is noted that some existing sites such as Thrislington Quarry already have monitoring and mitigation requirements in place for existing permissions and that these would also be required for any future permissions. The acceptability of impacts upon the groundwater resource will always need to be considered by the Council in considering minerals and waste planning applications and this will be undertaken through both Policy MW1 (General criteria for considering minerals and waste development) and Policy MW22 (Water Resources).

Paragraphs 10.8 to 10.10 of the Draft Minerals and Waste Policies and Allocations document was prepared to provide an explanation as to why additional sand and gravel allocations are now needed and how the quantitative supply position has changed

since the preparation of the County Durham Plan. In doing so it refers to the supply position as set out in the Council's Local Aggregate Assessment which was available at the time the draft Minerals and Waste Policies and Allocations document was written. It is neither considered necessary or appropriate to address risk to groundwater in these paragraphs. In relation to the site-specific allocation at Thrislington Quarry, groundwater was addressed in paragraph 10.24 bullet c) and in relation to the site-specific allocation at Crime Rigg Quarry groundwater is addressed was paragraph 10.27c. Through work to prepare the Publication Draft Plan amendments have been made to both of these paragraphs.

The supporting text to the proposed Thrislington West Quarry allocation has now been amended to read, "The site allocation lies on the Magnesian Limestone Escarpment which is a principal aquifer and the basal Permian sands forms part of the principal aquifer. The north-eastern extent of the proposed site allocation falls within Groundwater Source Protection Area 3 and lies in a groundwater nitrate vulnerable zone. The main environmental risk of the site allocation is the loss of part of the Principal Aquifer through the extraction of the basal Permian sand resource. There is uncertainty as to what impact that the further deepening of the existing quarry may have on the water table and quality and quantity of groundwater. It will therefore be essential that any planning application will need to demonstrate that unacceptable adverse impacts on groundwater quantity and quality do not occur, and that suitable monitoring and mitigation measures are in place or can be implemented. Through the preparation of a planning application a hydrological and hydrogeological risk assessment would be required;" Similarly, the supporting text to the proposed Crime Rigg North allocation has now been amended to read, "The extension area lies on the Magnesian Limestone Escarpment which is a principal aquifer and both the Magnesian Limestone and the underlying Basal Permian sand and magnesian limestone form part of the principal aquifer. The extension area falls within Groundwater Source Protection Area 3. The site also lies in a groundwater nitrate vulnerable zone (NVZ). The main environmental risk of the proposed allocation is the loss of part of the principal aquifer. There is uncertainty as to what impact the extraction of the limestone and underlying sand may have on the water table and upon groundwater quality and quantity. It will therefore be essential that any planning application will need to demonstrate that unacceptable adverse impacts on groundwater quantity and quality do not occur, and that suitable monitoring and mitigation measures are in place or can be implemented. Through the preparation of a planning application a hydrological and hydrogeological risk assessment will be required;"

In relation to the mineral permission known as Hummerbeck, there are currently no proposals for allocations of mineral working or landfilling at Hummerbeck and the previous County Durham Minerals Local Plan allocation (An Area of Search) has now lapsed. As stated within the Minerals and Waste Policies and Allocations document 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).

In relation to the comment, “Given the high-risk nature of the groundwater at the Thrislington and Crime Rigg quarries, we are pleased to see there is no allocation to allow landfilling to occur”, no proposals for the disposal of inert waste were received in response to the Council’s call for sites in relation to Thrislington Quarry. As outlined in the Council’s site assessment document Breedon proposed further disposal of inert waste at Crime Rigg Quarry, which already contains one of the Council’s four remaining landfill sites. This proposed allocation has been considered through work to prepare the Publication Draft Plan and the Council’s conclusions have been set out in a revised site assessment document.

Through further work to consider this proposed allocation the Council reconsulted the Environment Agency upon waste disposal and has sought further comments on the proposed allocation at Crime Rigg Quarry and no site-specific objection was provided. Details of the correspondence with the Environment Agency are set out in Appendix D. Through this correspondence the Council also asked the Environment Agency about the suitability of Bishop Middleham Quarry, Old Quarrington and Cold Knuckles Quarry and Crime Rigg Quarry for further inert waste disposal and for comments upon all of the operator proposed site allocations. No objections were received from the Environment Agency upon any of the proposed inert waste allocations.

Environment Agency: Flood Risk - We welcome the discussion on flood risk within the allocated sites in Policies MW23 (Site specific allocation at Thrislington West Quarry) and MW24 (Site Specific Allocation Northern Extension to Crime Rigg Quarry) and within the overall plan but feel this could be expanded upon and made stronger. This could involve encouraging development that will work to reduce flood risk overall. In addition, we wish to note that any sites which are located near to watercourses or Flood Zones should be resilient to climate change.

Durham County Council Response: There were no references within Chapter 10 of the Draft Plan or specifically within the policy or supporting text to Policies MW23 (Site specific allocation at Thrislington West Quarry) and MW24 (Site Specific Allocation Northern Extension to Crime Rigg Quarry) relating to flood risk. As set out in the site assessment document the proposed allocation within Thrislington West Quarry and the northern extension to Crime Rigg Quarry both lies in Flood Zone 1 and therefore the proposed allocations have a low probability of flooding. Within the Draft Plan there were, however, references to flood risk within Policy MW1 (General criteria for considering minerals and waste development) and paragraphs 5.34, 8.13, 8.20, 8.34.

Policy MW1 and its supporting text has been revised as part of work to prepare the Publication Draft Plan. A revised paragraph of flood risk has been prepared which states, "Proposals should also demonstrate that they will not be at an unacceptable risk from all sources of flooding or increase the risk of flooding elsewhere including causing unacceptable changes to flood flows or storage capacity. Where necessary, consideration should also be given to the use of sustainable drainage systems for the management of surface water drainage. Some forms of mineral extraction are recognised to be water compatible including sand and gravel working adjacent to rivers and as recognised by Policy MW3 can potentially help reduce flood risk by improving the management of floodwater through the creation of flood water storage areas where sand and gravel has been extracted in the floodplain next to rivers. This is supported through Policy MW3 (Benefits of Mineral Extraction) and Policy MW20 (Mineral Site Restoration Landfill and Land Raise). Where appropriate a flood risk assessment will be required, and the Council will apply the sequential test and exceptions test for flood risk as set out in the National Planning Policy Framework. In accordance with the Council's planning validation requirements a flood risk assessment will be required". Policy MW1 references to climate change has also been amended to include references to both climate change mitigation and adaptation and the supporting text has also been revised.

Environment Agency: In Chapter 10, Section 10.17 of the draft plan, it is forecasted that there will be a shortfall in inert waste landfill capacity within County Durham by 2032. We currently see a much-reduced interest from industry in pursuing new inert waste landfill sites. Instead, inert waste deposits tend to be sought under the authorisation of a Deposit for Recovery (DfR) permit. DfR activities are referenced within Policy MW18 of the draft plan as 'inert waste' - other recovery'. We would foresee those future approaches to handling the deposit of inert waste will continue in this vein so as to avoid the 'stigma' of landfill and also the associated landfill tax requirements. We welcome that the proposed site restoration of allocations, Thrislington West Quarry and Crime Rigg Quarry will not involve the importation of waste materials.

Durham County Council Response: The forecast shortage of inert landfill capacity which is reported within paragraph 10.17 reflects the position as stated in the County Durham Plan and reflects the capacity gap identified by Table 14 (Surplus Capacity (Including Any Capacity Gap) by Site Type (to 2035) of the County Durham Plan. As part of the annual monitoring requirements of the County Durham Plan. The scale of remaining void space and the quantity of waste disposed is monitored by the Council every year using information published by the Environment Agency.

The Council is seeing an ongoing interest from minerals and waste operators and other developers in gaining planning permission to dispose/recover inert, construction and demolition waste in both existing and former quarries and as part of proposed agricultural land improvement schemes. In recent years the Council has also been approached by a number of minerals and waste operators

who are seeking allocations or permissions to dispose inert waste in either existing or former quarries. This includes the proposals the Council received for inert waste disposal to be allocated at Crime Rigg Quarry, Old Quarrington and Cold Knuckles Quarry, Quarrington North and at Eldon Quarry. Currently one planning application for mineral working and the restoration of existing and proposed void, including importing 1.6 million m³ cubed of clay and soils is pending consideration at Tuthill Quarry, near Haswell in County Durham. This application was submitted to the Council in February 2017. More recently, a second planning application was submitted in July 2022 for the reclamation of Middridge Quarry to the west of Newton Aycliffe by partial infilling with 111,000 tonnes of inert construction and demolition waste.

Given the quantities of inert waste which is currently and has been disposed within landfill sites in the recent past, we do not consider that future inert waste disposal requirements can be met alone by inert recovery and would wish to avoid an increase in the number of proposals for inert recovery which are in fact disposal operations. While we note that there is also interest in operators seeking permits for Deposit for Recovery (DfR) we understand that this is when a waste material is used instead of non-waste material to perform a function and proposals have to meet a waste recovery test which is explained on gov.uk as: “Depositing waste is only a recovery activity if you have shown that you could and would have carried out the works using non-waste material. Your waste recovery plan must include evidence to support this. The Environment Agency refer to this as ‘substitution’.”

We do recognise that as explained by the Waste Management Plan for England (January 2021) that “It is for the Environment Agency to determine on a case-by-case basis whether an application for an environmental permit constitutes a waste recovery or a disposal operation” which also explains that “However, 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”.

No proposal has been received for the import of inert waste at Thrislington West Quarry. The proposal by Breedon to import inert waste to Crime Rigg Quarry has been considered through work to prepare the Publication Draft Plan and a decision on its allocation has been undertaken following further consultation with both the Environment Agency and Natural England. Details of this correspondence is set out in Appendix D.

Northumbrian Water: Policy MW23 - Site specific allocations at Thrislington West Quarry & Policy MW24 - Site Specific Allocation Northern Extension to Crime Rigg Quarry: We note the consultation draft deems Thrislington West Quarry and Crime Rigg Quarry to be suitable allocations for the winning and working of Basal Permian sand and Magnesium Limestone. Whilst we are aware that

both are existing working quarries, Northumbrian Water have had discussions with the Local Authority regarding our concerns over the ongoing extraction of Magnesian Limestone and Permian Sands from these quarries and the proposed extensions at the sites. In this instance we feel that a meeting with all relevant parties may be the best option to discuss the technical reasoning and identify the necessary mitigation measures and safeguarding.

Durham County Council Response: The concerns of Northumbrian Water are noted and understood, both the Magnesian Limestone and basal Permian sand which is worked at Thrislington West Quarry and Crime Rigg Quarry and at other quarries on the East Durham Limestone Plateau also form part of the Principal Aquifer with large areas of the wider resource being designated by the Environment Agency as Groundwater Source Protection Zones (SPZ) 1,2 & 3 and are therefore of importance to public water supply.

Within County Durham, the East Durham Limestone plateau and, the Raisby Formation (Middle Magnesian Limestone) and the underlying basal Permian sands are also of significant importance for aggregate working and contain nationally important permitted reserves and resources of industrial limestone within six active magnesian limestone quarries (three of which also work the basal Permian sands) and four inactive magnesian limestone sites. Many of these existing quarries lie upon the western margin of Groundwater Source Protection Zone 3. The proposed allocation at Crime Rigg Quarry lies on the western margin of Groundwater Source Protection Zone 3 and the majority of the proposed allocation at Thrislington West lies outside Groundwater Source Protection Zone 3. The importance of these quarries to current aggregate supply can be understood based on their extent of the permitted reserves and contribution to sales within the Northeast of England. Without the ongoing extraction of existing permitted reserves of magnesian limestone and basal Permian sand, together with additional reserves when deemed necessary it would be unlikely that the Council would be able to plan and maintain a steady and adequate supply of aggregates as required by NPPF paragraph 213.

Through work to prepare the County Durham Plan, the Environment Agency was consulted on the proposed allocations to both Thrislington West Quarry and Crime Rigg Quarry in 2016 and the Environment Agency's comments were considered when the site assessment document which accompanied the Draft Minerals and Waste Policies, and Allocations document was prepared. With respect to Thrislington West Quarry in December 2018 the Council granted planning permission at Thrislington West Quarry for an extension of time to the working of magnesian limestone and basal Permian sand subject to conditions for monitoring and mitigation plans to manage the risks to groundwater quality and resource.

The detailed response which was received from the Environment Agency in 2016 advised that, we have seen most of these sites through the planning system already. None of them would incur an initial outright objection from the EA however, all of them have a number of risks which would need investigating, assessing and mitigating before we could recommend new and renewal proposals for approval. The Environment Agency advised the Council that that detailed technical assessment will be required in all cases as it may impact the economic viability of the quarry. All these sites would need to undertake substantial geological and hydrogeological investigation and risk assessment. The Environment Agency also advised that: they had less concern where the quarrying does not involve working below the groundwater table and requiring dewatering as the risks are assumed to be lower; with the risks to controlled waters increasing when quarrying occurred below the water table; that sites which pose a high risk to controlled waters may require long term monitoring and mitigation, which may also impact on the economic viability of the quarry; that in all cases they would expect confirmation of the height of the groundwater table in comparison to the base of excavation; if working below the water table and dewatering is proposed, they would expect sufficient water level data to be incorporated into the required hydrogeological risk assessment.

The Environment Agency was consulted upon the draft Minerals and Waste Policies and Allocations document and did not object to the allocations for mineral working at Thrislington West Quarry or upon the land to the north of Crime Rigg Quarry. Details of the comments received from the Environment Agency are set out within this Statement of Consultation.

Policies MW23 and MW24 seek to allocate both sites for further mineral working. The supporting text to both policies advises that 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. These policies should be read in association with Policy MW1.

Policy MW23 - Site specific allocations at Thrislington West Quarry

Tarmac: Thrislington Quarry is an active site with consent for magnesian limestone and Permian sand extraction. There is an active rail link to the Thrislington West site. In 2018, Thrislington Quarry (West) was granted planning consent (ref: DM/15/00127/MIN) for the extraction of remaining limestone reserves including a revised working area for extraction of 2,400,000 tonnes of basal Permian sand. A further 5,800,000 tonnes of sand lie immediately adjacent to the consented reserve and remains unconsented. Current permitted sand reserves are expected to be exhausted by 2025 and additional sand reserves are required to

maintain current production levels and secure continued sand supply for a further 20 years (2045). This additional basal Permian sand area is now proposed as an allocation within the emerging Policies and Allocations DPD to sustain production and supply of this regionally important resource (emerging policy MW23). Detail supporting the proposed allocation was provided in representations made in February 2021. A Scoping Report has been submitted to the Council and a Scoping Opinion has been received. It is anticipated a planning application including an EIA will be submitted by the end of 2021 / early 2022.

Durham County Council Response: Noted.

Historic England: With the criteria points set out in the policy we have no objections to this allocation.

Durham County Council Response: Comments noted.

National Highways: The proposed 18.5-hectare site at Thrislington West Quarry is located east of Ferryhill, with site access located around 5.6km north of J60 of the A1(M) and around 6.4km south of J61. The A19 is approximately 13.6km east of the site. Existing traffic routing measures seek to divert lorry traffic away from local communities to minimise disturbance. The site is currently served by two vehicular accesses, as well as a rail link with the East Coast Main Line - these accesses will be maintained if the site is extended as proposed. Despite the potential for extracted materials to be transported away from the site by rail and the expectation that overall traffic volumes will decrease due to future production changes, National Highways notes from page 68 of 'Minerals and Waste DPD Site Assessments' that a formal transport assessment is required for review as part of the planning application process, so that potential impacts on the SRN can be assessed accordingly. In advance of the production of any transport assessment, we would recommend that scoping discussions are held with National Highways to ensure that no abortive work is undertaken.

Durham County Council Response: Comments noted. A Transport Assessment will be required to be submitted in accordance with Policy MW7 – Traffic and Transport. This requirement is also referred to in the supporting text to this policy. The request for scoping discussion is noted.

Natural England: Site Specific Allocation at Thrislington West Quarry We note that the site characteristics section of the policy recognises the site is in close proximity to important designated sites. We generally support the development requirements outlined in the policy but advise that the policy could be strengthened, and more specific detail added to require the development to avoid impacts on the nearby designated sites and for restoration to enhance and improve the ecological linkages to the designated sites.

Durham County Council Response: Comment accepted. The following amendments have been made to both the policy and supporting text taking into account comments received and existing content within the Councils site assessment document.

Policy MW23 bullet four of the Draft Plan amended to read, “That the planning application is accompanied by an acceptable scheme of phased working and high-quality restoration and aftercare which complements the overall restoration strategy for Thrislington West Quarry, delivers a range of appropriate environmental enhancements, including biodiversity net gain which enhances and improves ecological connectivity to adjacent and nearby designated sites and supports the coherence of ecological networks and supports the delivery of the Local Nature Recovery Strategy;”.

Paragraph 10.24 criterion b) of the Draft Plan to be amended to read, “Biodiversity – Whilst the quarry lies immediately adjacent to several important international and national biodiversity sites with others in the wider locality, the working of sand in this area has been considered in relation to the nearby designated sites. The County Ecologist has considered the site allocation in relation to Thrislington SAC and the risk of impact on the integrity of the European site has been adequately ruled out. Similarly, it is not considered unlikely that the proposed site allocation will have an unacceptable adverse impact on other designated sites, but this would need to be confirmed through a future planning application which should be accompanied by a full ecological assessment. The planning application will need to demonstrate that unacceptable adverse impacts on designated sites and biodiversity do not occur and that suitable mitigation measures are in place or can be implemented”.

New criterion to be inserted in paragraph 10.24 to provide further detail in relation to the restoration of the allocation. “The restoration and after uses of the site allocation should be consistent with and seek to complement the restoration strategy of the existing quarry within which it is located. It should seek to provide biodiversity net gain, enhance and improve ecological connectivity to adjacent and nearby designated sites and should also support the delivery of the County Durham Local Nature Recovery Strategy and other relevant strategies where appropriate. If considered necessary, a revised or updated restoration strategy should be submitted for the entire quarry within which the allocation is located”.

Northumbrian Water: Site specific allocations at Thrislington West Quarry & Policy MW24 - Site Specific Allocation Northern Extension to Crime Rigg Quarry Would require changes: We note the consultation draft deems Thrislington West Quarry and Crime Rigg Quarry to be suitable allocations for the winning and working of Basal Permian sand and Magnesium Limestone. Whilst we are aware that both are existing working quarries, Northumbrian Water have had discussions with the Local Authority regarding our concerns over the ongoing extraction of Magnesian Limestone and Permian Sands from these quarries and the proposed

extensions at the sites. In this instance we feel that a meeting with all relevant parties may be the best option to discuss the technical reasoning and identify the necessary mitigation measures and safeguarding.

Durham County Council Response: The concerns of Northumbrian Water are noted and understood, both the Magnesian Limestone and basal Permian sand which is worked at Thrislington West Quarry and Crime Rigg Quarry and at other quarries on the East Durham Limestone Plateau also form part of the Principal Aquifer, with large areas of the wider resource being designated by the Environment Agency as Groundwater Source Protection Zones (SPZ) 1,2 & 3 and are therefore of importance to public water supply.

Within County Durham, the East Durham Limestone plateau and, the Raisby Formation (Middle Magnesian Limestone) and the underlying basal Permian sands are also of significant importance for aggregate working and contain nationally important permitted reserves and resources of industrial limestone with six active magnesian limestone quarries (three of which also work the basal Permian sands) and four inactive magnesian limestone sites. Many of these existing quarries lie upon the western margin of Groundwater Source Protection Zone 3. The proposed allocation at Crime Rigg Quarry lies on the western margin of Groundwater Source Protection Zone 3 and the majority of the proposed allocation at Thrislington West lies outside Groundwater Source Protection Zone 3. The importance of these quarries to current aggregate supply can be understood based on their extent of the permitted reserves and contribution to sales within the Northeast of England. Without the ongoing extraction of existing permitted reserves of magnesian limestone and basal Permian sand, together with additional reserves when deemed necessary it would be unlikely that the Council would be able to plan and maintain a steady and adequate supply of aggregates as required by NPPF paragraph 213.

Through work to prepare the County Durham Plan, the Environment Agency was consulted on the proposed allocations to both Thrislington West Quarry and Crime Rigg Quarry in 2016 and the Environment Agency's comments were considered when the site assessment document which accompanied the Draft Minerals and Waste Policies, and Allocations document was prepared. With respect to Thrislington West Quarry in December 2018 the Council granted planning permission at Thrislington West Quarry for an extension of time to the working of magnesian limestone and basal Permian sand subject to conditions for monitoring and mitigation plans to manage the risks to groundwater quality and resource.

The detailed response which was received from the Environment Agency in 2016 advised that, we have seen most of these sites through the planning system already. None of them would incur an initial outright objection from the EA however, all of them have a

number of risks which would need investigating, assessing and mitigating before we could recommend new and renewal proposals for approval. The Environment Agency advised the Council that that detailed technical assessment will be required in all cases as it may impact the economic viability of the quarry. All these sites would need to undertake substantial geological and hydrogeological investigation and risk assessment. The Environment Agency also advised that: they had less concern where the quarrying does not involve working below the groundwater table and requiring dewatering as the risks are assumed to be lower; with the risks to controlled waters increasing when quarrying occurred below the water table; that sites which pose to a high risk to controlled waters may require long term monitoring and mitigation, which may also impact on the economic viability of the quarry; that in all cases they would expect confirmation of the height of the groundwater table in comparison to the base of excavation; if working below the water table and dewatering is proposed, they would expect sufficient water level data to be incorporated into the required hydrogeological risk assessment.

The Environment Agency was consulted on the draft Minerals and Waste Policies and Allocations document and did not object to the allocations for mineral working at Thrislington West Quarry or to the north of Crime Rigg Quarry. Details of the comments received from the Environment Agency are set out within this Statement of Consultation.

Policies MW23 and MW24 of the Draft Plan sought to allocate both sites. The supporting text to both policies advises that 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. These policies should be read in association with Policy MW1.

Mineral Products Association: "...It is accompanied by an acceptable scheme of phased working and a high-quality restoration and aftercare scheme; and e) 'It can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities'". We feel the final two bullet points are superfluous as they simply repeat the requirements of Policies MW1 and MW23. It is important plans are succinct and avoid unnecessary duplication and repetition. We therefore suggest they are deleted: d) [Remove: '...It is accompanied by an acceptable scheme of phased working and a high-quality restoration and aftercare scheme; and e) 'It can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities']].

Durham County Council Response: The bullet points were provided to outline key policy requirements which are required to be addressed by a planning application and are consistent with the approach taken within County Durham Plan Policy 58 (Preferred Areas for Future Carboniferous Limestone Extraction) and Policy 59 (Strategic Area of Search to the South of Todhills Brickworks).

Through work to develop and in response to comments from Natural England policy criterion d) has been developed further, Criterion d) has been amended to read, "That the planning application is accompanied by an acceptable scheme of phased working and high-quality restoration and aftercare which complements the overall restoration strategy for Thrislington West Quarry, delivers a range of appropriate environmental enhancements, including biodiversity net gain which enhances and improves ecological connectivity to adjacent and nearby designated sites and supports the coherence of ecological networks and supports the delivery of the Local Nature Recovery Strategy";. The final criterion as stated is consistent with the approach taken within all of the minerals allocations of the County Durham Plan and within the Publication Draft M&WDPD.

Cornforth Parish Council: At the Ordinary meeting of Cornforth Parish Council held on Monday 8th November 2021 the above consultation was discussed. In the event that the document is used in connection with any future planning applications for the Tarmac site Cornforth Parish Council wish to comment and raise concern on the following in connection with the:

Draft Minerals and Waste Policies and Allocation Document, which alongside the County Durham Plan, that will be used to make decisions on planning applications for mineral working (quarrying and related development) and on new waste development proposals. The Council wish to express serious concerns with the current flooding of Garmondsway Road, an issue that has previously been raised, that will be further impacted by the increased movement of large vehicles creating mud, dust and other debris that will be washed into the drainage system, especially during road cleaning and inclement weather if any increased usage is approved. Concern is also made in connection with the heavy wear and tear to the road surface that the road will be subjected to over the course of time from the increased traffic from the proposals and finally:- A further question is would the total cumulative tonnage per day that the bridge over the motorway will be placed under be considered during any future application and would it be in line with the specifications and load bearing capability of this bridge?

Durham County Council Response: The principal issue which has been raised relates to the current flooding of Garmondsway Road. Following the receipt of this comment it was passed to the Council's Minerals and Waste Site Monitoring Officer who alerted County Highways to the flooding on Garmondsway Road, and a meeting was held with the site operator. The outcome of the meeting was that the drains were blocked which may be a consequence of the road being cleaned. Further investigations are

underway as to whether specific works are required and if so, they will be prioritised with other schemes in the future. The condition of the highway will be monitored to assess if specific enforcement action is required.

In relation to the bridge over the A1(M) motorway along Stobb Cross Lane, it is understood that this bridge is currently being used by Tarmac as part of the current working undertaken at Thrislington East Quarry. An application to vary the existing permission at Thrislington East Quarry is pending consideration (DM/18/03884/VOCMW) and it is currently anticipated that mineral working will end within another year and a half, followed by the interim restoration of this site. The operator of Thrislington East Quarry then intends to work permitted reserves of magnesian limestone at Cornforth West Quarry followed by Cornforth East Quarry. In this regard Tarmac have submitted two applications, DM/19/00026/MIN - Environment Act 1995: Periodic Review of Mining Sites. Application for the determination of new planning conditions for working and restoration relating to Planning Permission No. IDO/7/5/1 at Cornforth West Quarry; and DM/19/00025/MIN - Environment Act 1995: Periodic Review of Mining Sites. Application for the determination of new planning conditions for working and restoration relating to Planning Permission No. MRA/7/2 at Cornforth East Quarry.

Thrislington West Quarry is currently served by two vehicular accesses and a rail head. Associated weight restrictions, traffic calming measures, and quarry traffic routeing arrangements seek to keep extraneous lorry traffic out of the communities of Cornforth, Bishop Middleham, and Ferryhill. No vehicles associated with extraction operations at Thrislington West Quarry enter or leave the site via Entrance 2 onto Stobb Cross Lane. All of the excavated material from Thrislington West uses the tunnel under the C69 to access the weighbridge and wheel washes adjacent to the northern access point where they join the highway.

The proposed allocation was assessed by the Council as part of work to prepare the Draft Plan. The assessment noted that, “Thrislington West Quarry is currently served by two vehicular accesses and a rail head which links with the East Coast Main Line. Quarry traffic routeing arrangements seek to keep lorry traffic out of the communities of Cornforth, Bishop Middleham, and Ferryhill. Entrance 1 is located to the west of the A1(M) on the road C69. Tarmac proposes to maintain existing accesses, routing and transport movements to and from Thrislington Quarry, and “Subject to the traffic and transportation impacts of the proposed development being compatible with the existing operations/traffic, impacts on the local and strategic highway network should be acceptable but this would need to be confirmed through any future planning application if the site were to be allocated”.

Local Resident: I live within 500 meters of the planned development and while I understand the importance of it for the future of the quarry, my concern is focused on dust, noise and light pollution. I understand that the dust issue is partly ameliorated by lots of

measures, like water curtains the vehicles pass through and that some residual dust cannot be avoided. About the noise, while daytime activities obviously cannot be silent given the nature of the works, there are aggregates running at night that can be clearly heard from Garmondsway Road. I suppose they may be electric generators or pumps to keep the water level down, and I wonder if there are steps possible to reduce this problem. About light pollution, as a background information I am operating an astronomical observatory that is regularly used to test, optimise and repair instruments used at major outreach facilities like Wynyard Planetarium or Kielder Observatory. To test and verify those instruments, a dark sky is essential. I was in discussion with Thrislington Quarry years ago and it was very fruitful, as some improvements have been made at the works by using downlighters instead of poorly aligned floodlights. However, as the site is managed by more than one company, not all of the issues raised could be solved. In addition to that, new developments like the Stobb Cross Lane site located to the east of the motorway contain poorly adjusted floodlight masts which are on all night without any works going on. Clearly this situation could be improved by a better alignment (currently the masts cause glare to motorists passing the road from the A177 towards West Cornforth) and by switching them off when not in use or using PIR detectors if security is a concern. Apart from astronomy, the light pollution is also a threat to wildlife as we have conservation areas nearby. Poorly aligned bright lights, in particular with spectral components of short wavelength (blue light), attract insects that get withdrawn from the food chain which also adds to the known problem of insect decline observed in the recent years. Other animals affected are birds that get fooled into nesting too early, and other animals that suffer a disrupted circadian rhythm. The particular concern of the new development for the observatory is that it is located to the south, which is the most important observation direction for astronomy when being located on the northern hemisphere. My suggestion is to use lights only when the quarry is in use, and to use downlights or downwards aligned floodlights that only illuminate the area that is required to be lit. I am happy to give a presentation about light pollution to the parties involved to come to a solution that fits the needs of all parties involved.

Durham County Council Response: Comments noted. The issues which have been raised focus on dust, noise and light pollution from the existing operational quarry. Issues relating to residential amenity were last considered in detail by the Council and found to be acceptable at Thrislington West Quarry in 2017 as part of the determination of the extant planning permission which was issued in 2018 (DM/15/00127/MIN). This planning permission permitted the extraction of remaining limestone reserves and revised working area for extraction of Basal Permian Sand for 15 years until 2030, together with a relocation of internal haul road and a scheme for the progressive and final restoration of the site. A noise action plan required pursuant to Condition 3c and a dust action plan was approved under DRC/19/00420. Existing planning conditions on the site relating to matters such as noise and dust are being monitored and are in compliance with planning conditions.

The proposed allocation was assessed by the Council as part of work to prepare the Draft Plan. In relation to amenity the assessment noted that the “the proposed site allocation lies within and at the base of the void of the quarry and the ground between the quarry void and houses is occupied by large, landscaped screening mounds. At its closest point, the permitted extraction area, which has already been worked is further than 250 metres away from these houses, and the boundary of the proposed site allocation is approximately 300 metres away” and “It is expected that amenity impacts including that from noise, dust and blasting impacts would be similar to that resulting from the existing sand extraction operations and it is considered that unacceptable adverse impacts on local amenity would not occur. However, should the site be allocated noise, dust and blasting impact assessments would have to be undertaken as part of the preparation of any future planning application to assess and confirm amenity impacts.”

Through work to prepare the Publication Draft Plan Policy MW1 and its supporting text has been amended. Criterion a) of Policy MW1 relates to ‘Human health and the amenity of local communities.’ The updated supporting text specifically addresses light pollution and states, “Light pollution - If not, properly controlled the use of external lighting during periods of darkness can result in light pollution beyond site boundaries and cause glare and sky glow. This can affect the amenity of local communities, the enjoyment of the countryside, the darkness of the night sky and harm wildlife in the surrounding area. Site lighting should be designed and located to ensure minimum light spillage beyond the site boundary. Particular attention will be paid to areas where dark skies are valued and may also be sensitive to light pollution such as those locations which are in close proximity to residential areas, within the open countryside and near to and within designated landscapes such as the North Pennines Area of Outstanding Natural Beauty, within the setting of heritage assets or where they may result in an adverse impact on wildlife. A lighting assessment will be required for developments which would involve the provision of significant external lighting and that may have an adverse impact on residential amenity, the character of the open countryside or a heritage asset”. Should a future planning application be submitted to work the allocated site all relevant matters, including those relating to dust, noise, light pollution and biodiversity will be considered by the Council through the consideration of the submitted planning application in accordance with relevant development plan policies.

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

Natural England: Policy MW24 Site Specific Allocation Northern Extension to Crime Rigg Quarry Natural England welcomes that the site characteristics section of the policy highlights that the site shares the same geology as the existing quarry, which is a geological SSSI and that the restoration of the site provides opportunity for the creation of features of geodiversity interest.

Durham County Council Response: Comment noted.

National Highways: The proposed 9.5-hectare site at Crime Rigg Quarry is located east of Sherburn village, with site access located around 8.9km north-east of J61 of the A1(M) and around 8.9km south-east of J62. The A19 is approximately 7.2km east of the site, with routes to/from the site accessible from several junctions along the A19. The existing site access on the B1283 is designed to accommodate an average of 100 HGV movements (50 in, 50 out) per day, which is roughly in line with existing planning permissions for the site (660 movements per week on average). Provided that future traffic levels remain in line with these existing planning permissions, future site development should not have a detrimental impact on local roads or the SRN. Although there is no provision for a transport assessment for this site referenced within 'Minerals and Waste DPD Site Assessments', National Highways nonetheless requests that a formal transport assessment is submitted for review as part of the planning application process. In advance of the production of any transport assessment, we would recommend that scoping discussions are held with National Highways to ensure that no abortive work is undertaken. In advance of the production of any transport assessment, we would recommend that scoping discussions are held with National Highways to ensure that no abortive work is undertaken.

Durham County Council Response: Comments noted. A Transport Assessment will be required to be submitted in accordance with Policy MW7 – Traffic and Transport. The request for scoping discussion are noted.

Environment Agency: Pollution Prevention - The site-specific allocation-Northern Extension to Crime Rigg Quarry (Policy MW24) is located in close proximity to a pond. We would expect to see mitigation measures in place to prevent pollution of the surrounding water environment at every stage of the works.

Durham County Council Response: Comments noted. The proximity of the identified water body (pond) would be addressed by the planning application. Should the site be allocated the planning application which need to set out mitigation measures to prevent pollution of the surrounding water environment.

Mineral Products Association: “..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; g) It can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.” We feel the bullet points d), e) & g) are superfluous as they repeat the requirements of Policies MW1 and MW23 and CDP Policy 41. It is important plans are succinct and

avoid unnecessary duplication and repetition. We therefore suggest they are deleted. [Remove: “.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; g) It can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.”]

Durham County Council Response: The bullet points were provided to outline key policy requirements which are required to be addressed by a planning application and are consistent with the approach taken within County Durham Plan Policy 58 Preferred Areas for Future Carboniferous Limestone Extraction and Policy 59 Strategic Area of Search to the South of Todhills Brickworks. Through work to develop this policy as part of the preparation of the Publication Draft Plan, Criterion d) and e) have been combined and developed further. The final criterion g) as stated is consistent with the approach taken within all of the minerals allocations of the County Durham Plan and within the Publication Draft M&WDPD.

Historic England: Paragraph 185 of the NPPF sets out a requirement for Local Plans to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development upon the significance of a designated heritage asset, Paragraph 199 of the NPPF makes it clear that great weight should be given to the asset’s conservation and explains that significance can be harmed by development within its setting.

Shadforth Conservation Area: In order to demonstrate that the allocation of this area is not incompatible with the requirements of the NPPF, as part of the Evidence Base underpinning the Plan there needs to be an assessment of what contribution this currently-undeveloped area makes to those elements which contribute to the character or appearance of the Conservation Area and what effect the loss of this site and its subsequent development might have upon the designated area.

Ludworth Tower: National policy guidance also makes it clear that Scheduled Monuments are regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. In order to demonstrate that the allocation of this area is not incompatible with the requirements of the NPPF, as part of the Evidence Base underpinning the Plan there needs to be an assessment of what contribution this currently-undeveloped area makes to those elements which contribute to the significance of this Monument and what effect the loss of this site and its subsequent development might have its significance.

Suggested change - Shadforth Conservation Area - In order to demonstrate that the allocation of this area is not incompatible with the requirements of the NPPF, as part of the Evidence Base underpinning the Plan there needs to be an assessment of what contribution this currently-undeveloped area makes to those elements which contribute to the character or appearance of the Conservation Area and what effect the loss of this site and its subsequent development might have upon the designated area.

Suggested change - Before allocating this site for development: -

- An assessment needs to be undertaken of the contribution which this site makes to the elements which contribute towards the significance of the Conservation Area and what impact the loss of this undeveloped site and its subsequent development might have upon them.
- If it is considered that the development of this site would harm elements which contribute to the significance of the Conservation Area, then the Plan needs to set out the measures by which that harm might be removed or reduced.
- If, at the end of the process, it is concluded that the development would still be likely to harm elements which contribute to the significance of the Conservation Area, then this site should not be allocated unless there are clear public benefits that outweigh the harm (as is required by NPPF, Paragraph 201 or 202).

Ludworth Tower - Before allocating this site for development: -

- An assessment needs to be undertaken of the contribution which this site makes to the setting of the Scheduled Monument and what impact the loss of this open area and its subsequent development might have upon its significance.
- If it is considered that the development of this site would harm elements which contribute to the significance of this Monument, then the Plan needs to be set out how that harm might be removed or reduced.
- If, at the end of the process, it is concluded that the development would still be likely to harm elements which contribute to the significance of the Monument, then this site should not be allocated unless there are clear public benefits that outweigh the harm (as is required by NPPF, Paragraph 201 or 202).

Durham County Council Response: The Council has undertaken a detailed Heritage Impact Assessment (HIA) for all of the operator proposed site allocations. The HIA for the Crime Rigg Northern Extension concluded that proposed northern quarry extension would not have any direct effect on the significance (physical fabric) of any identified heritage asset. The impact upon the

setting(s) of the heritage assets identified would be either nil, or minor and neutral. As no harm has been identified those settings would be conserved. The key findings of the Heritage Impact Assessment are set out below:

Scheduled Monuments - Ludworth Tower - The development proposal would have no impact upon the scheduled monument's significance (physical fabric) as there would not be any direct physical effects. Regarding its setting, Ludworth Tower is some 755metres to the south-east of the subject land. The best place to experience, understand and appreciate the heritage values of the heritage asset is within short and medium views into and out of Ludworth Village where it can be viewed as a historic landmark feature in its rural landscape surroundings on the urban edge of the village to different degrees depending on the viewing point. The subject land does not make any contribution in this regard due to the distance between the heritage asset and the site, with the intervening topography, trees, and hedgerows restricting intervisibility. No historic connection between the subject site and the heritage asset could be found. The impact overall would be minor with the magnitude of effect neutral that would not be increased when taken cumulatively with the existing quarry workings.

Listed Buildings - The significance (physical fabric) of all the listed buildings identified would be conserved as there would not be any direct physical effects resulting from the proposed development. Regarding of settings, due to the relative locations of the identified listed buildings and the subject site, the distance between them, and intervening factors such as the topography, trees, hedgerows, and in some instances existing built development, there would be no direct intervisibility. Given this and an absence of any historic connections the impact on setting(s) would be either nil or minor with the magnitude of effect neutral, that would not be increased when taken cumulatively with the existing quarry workings

Conservation Areas – Shadforth Conservation Area - There would be no direct physical impact within the conservation area and no physical changes to any element that contributes to its special interest character, appearance, and significance. This is due to the development site being physically separated from the heritage asset that is some 520meters to the south at its closest point.

Regarding setting, the contribution of the site to the conservation area setting is limited. This is due to the presence of the hedge-lined Durham Road and the existing extensive quarry workings on its south side, meaning that the wider landscape to the north of the conservation area, that includes the subject site, is segregated and in-part of different character reading as such in views. Due to the topography, despite being positioned on higher ground to the north, there is no significant intervisibility between the subject site and the conservation area. There is some limited intervisibility at close range at the entrance point into the conservation area in the north at the top of Crime Rigg Bank. But the subject land is only partially visible in the background and viewed as a glimpse in

the context of a much broader landscape. The site itself makes no significant contribution to the visual experience, appreciation or understanding of the heritage values of the conservation area. The proposal is unlikely to produce an adverse visual effect in the conservation areas setting from here and it forms part of a wider landscape with a semirural character where active and abandoned quarries are common. The overall impact to the setting of the conservation area would be minor with the magnitude of effect neutral.

Key non-designated heritage assets - The identified 3no HER assets and 3no buildings that could be defined as NDHAs all fall outside of the site boundary and as such there would be no impact on significance (physical fabric). They are all visually divorced from the subject site with no intervisibility due to the intervening topography, trees, hedgerows, and existing urban infrastructure and built development. There is no historic connection between these heritage assets and the subject site. The impact therefore being either nil or minor with the magnitude of effect neutral.

Mitigation - Appropriate landscape scheme, the landscape team commenting previously that perimeter mounds to the west and north would control visibility along with retention of existing planting along the B1283, permanent perimeter mounding would need to be planted with native woodland to assimilate the engineered landform and assist in screening.

Non-Allocated Sites at Draft Plan Stage

Site M2: Raisby Quarry Proposed Eastern Extension

National Grid: Proposed development sites crossed or in close proximity to National Grid assets: Following a review of the above Development Plan Document, we have identified that one or more proposed development sites are crossed or in close proximity to National Grid assets. Details of the sites affecting National Grid assets are provided below.

Electricity Transmission Development Plan Document Site Reference: Site M2 - Raisby Quarry: Proposed Eastern Extension Asset Description: 4TF ROUTE TWR (015 - 080): 400Kv Overhead Transmission Line route: HAWTHORN PIT - NORTON 275KV
Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

We would welcome a brief phone call to clarify National Grid's rights in relation to their existing assets and the implications of allocating sites without making these issues clear. We are seeking confirmation that the site allocations conflicts with National Grid assets will be acknowledged in future iterations of the Development Plan Document (e.g., specific reference to National Grid assets in site constraints/ parameters and requirement that these remain in-situ).

Durham County Council Response: Planning permission was granted on 30 June 2020 (DM/17/01260/MIN) to allow an extension of time for the working of existing permitted reserves at Raisby Quarry until 2042 with restoration by 2044. The approved plans (Figure 3.5 Phase 3 working – DRG No NT12889/114) show that the existing overhead electricity lines cross Northwest to Southeast across the existing unworked area of Raisby Quarry and will be required to be diverted to enable the working of existing permitted reserves.

A meeting was held on the 28 March 2022 with representatives of National Grid during which the Council provided information on the proposal by Breedon for an eastern extension to Raisby Quarry and the importance of the existing quarry for crushed rock and agricultural lime production, both in terms of production from County Durham and the Northeast of England.

The Council also set out its understanding following conversations with the mineral operator, that a diversionary route for the existing pylons which cross the existing working area of Raisby Quarry has not yet been identified or agreed which was confirmed as correct by National Grid. To facilitate a solution the Council provided National Grid with Breedon's contact details so that discussions could commence between National Grid and the mineral operator and requested for both parties to keep the Council informed of future discussions.

The Council confirmed to National Grid that the Council's Minerals and Waste Site Assessment Document will be republished and that the appraisal for Site M2 - Raisby Quarry - Proposed Eastern Extension will clarify that National Grid infrastructure (pylons) currently cross the consented quarry and will be required, in accordance with the existing planning permission (DM/17/01260/MIN), to be diverted to facilitate the working of existing permitted reserves and that any diversionary route, once identified, will form a future constraint on the final extent of any future allocation or planning permission. The site assessment document will also refer to National Grids requirement for a 100m stand off for future working from blasting.

Site M7: Thrislington East Quarry

Tarmac: Thrislington Quarry East contains reserves of Magnesian Limestone for which extraction is constrained by planning obligations requiring a percentage to go into industrial end uses as opposed to construction markets. Tarmac continues to strive for reliable demand for industrial uses for industrial grade stone in recent years but with little significant or success or outlook of any consistency. The Lhoist kilns at Thrislington were closed in 2016 and there is understood to be little prospect of reopening in the foreseeable future. Current demand for industrial grade limestone is met by Whitwell Quarry (Derbyshire).

As noted in the draft Plan there is live application with the Council regarding a short relaxation of the need for industrial sales on a limited discrete block of mineral. Tarmac acknowledges the rationale to date for the protection of higher-grade mineral for appropriate use. It is considered however that the Plan should allow some scope to review the restriction if there is a sound environmental case including the need to reappraise options to help achieve climate change reduction targets. This is supported by paragraphs 5.43 5.44 of the Draft Plan referencing paragraph 148 of the NPPF (now superseded by paragraph 152).

Durham County Council Response: Reference is made to the proposals by Tarmac for Thrislington East Quarry. The Council's response to this proposal is addressed in the Statement of Consultation Regulation 18 Notice of intent to prepare a Development Plan Document and Minerals and Waste Call for Sites (September 2021). The Council notes that reference is now made to strong economic, environmental and sustainability justifications most particularly on the climate change agenda, but no detail is provided to explain what these justifications are related to.

Through further correspondence in April 2022 Tarmac when asked, 'I would be grateful if you could elaborate upon your reference to "climate change targets". How would reviewing the protection that the County Durham Plan currently affords to the permitted reserves of industrial grade limestone at Thrislington East Quarry help achieve climate change reduction targets?' they advised, 'All planning policy and decision-making should now consider how development can support the carbon reduction agenda. This factor is overarching. Environmental Assessments now commonly require a chapter on climate change. Tarmac has its own carbon reduction commitments, which will in turn contribute to the wider societal reduction. This is driving a review of all operations to see what can be done and when including, for example electrification, of fixed plant, use of conveyors in place of dump trucks where practical and a drive to support the development and introduction of non-fossil fuel mobile plant. All future projects are under review and the next big change at Thrislington is the necessary switch to Cornforth quarry due to the planning restriction at Thrislington East. The CO2 implications of that move are currently under review, and we hope to share something soon. Meantime we believe

that the scale of changes needed to achieve CO2 reduction will need to inform all planning policy, the application of that policy and decision making.'

The Council is in agreement of the importance of seeking to meet the challenge of climate change. In this regard Policy MW1 and its supporting text has been redrafted to strengthen and align its provisions with NPPF requirements. Nonetheless, this does not change the Council's approach to the conservation and use of high-grade dolomite. To reiterate, the approach of the statutory development plan to existing and permitted reserves of high-grade dolomite is set out by Policy 57 (The Conservation and Use of High-Grade Dolomite) of the recently adopted County Durham Plan (October 2020). The approach that the statutory development plan takes to this issue can only be reconsidered through a review of the County Durham Plan. Other than considering and providing clear reasoning for the Council's response to Tarmac's proposal for an allocation, the Council does not consider that there is a need for the Minerals and Waste Policies and Allocations document to consider this issue further.

Site M8/W2: Cold Knuckle Magnesian Limestone and inert infill

Tarmac: Quarrington Quarry Tarmac have promoted two areas of land at Quarrington Quarry for consideration as part of the Policies and Allocations Document the southern area (hereafter referred to as Old Quarrington/Cold Knuckle) and the northern area (hereafter referred to as Quarrington North). All land promoted falls within the overarching ROMP boundary, but mineral extraction and infilling operations are currently only undertaken within the Old Quarrington/Cold Knuckle area.

Old Quarrington/Cold Knuckle.

Tarmac is in the process of preparing a Planning Application for Old Quarrington/Cold Knuckle for the extraction and sale of magnesian limestone and import of inert material for use in the reconstruction of the escarpment face. The magnesian limestone is currently set aside and used in restoration under the existing consent to achieve the approved restoration levels. This application in preparation will seek consent not to set aside the limestone within the current extraction area but to use it as construction aggregate and import inert materials to achieve the approved restoration scheme. No other changes are planned. The application will also seek to consolidate the various consents to simplify the site planning regime. A scoping report was submitted in September 2020 to Durham County Council with the aim of submitting the planning application in early 2022.

The Minerals and Waste Site Assessments Document provides Council comments/analysis on the above proposals (site reference M8/W2 page 75). Whilst the Council see the merit in not sterilising viable reserves, they have concluded that they are unable to consider the allocation further as insufficient information has been provided. Of note, they require:

1. Estimated timescales in relation to the duration, commencement or completion of the proposed operations

2. Scheme details

The pre-application submission that was presented to the Council in April of this year provides additional details regarding the application which is to be submitted in early 2022.

The submission outlines the timescales for proposed operations. Whilst the mineral permission (ROMP) has an end date of 2042, the lateral extensions and inert infill operations (currently subject to undetermined applications to vary the working schemes) are consented until 2025. There is an estimated 6 years of limestone and 5 years of sand reserves remaining with further periods needed to complete restoration by infill. As a result:

- The Cold Knuckle area under permission (CMA/4/47, soon to be DM/19/01134/VOCMW) is planned to be extended from 2025 to 2033 (plus 12 months to complete the restoration works), thereby allowing sufficient time for Phase 4 to be fully worked.
- The sand permission, including importation of inert material (CMA/4/48, soon to be DM/19/01135/VOCMW), is planned to be extended from 2025 to 2041 (plus 12 months to complete the restoration works). Once Phase 4 is completed by 2033, this would allow an additional seven years to follow to complete extraction works in Phase 5 and completion of restoration infilling.

The timescales for submission of the application will allow the Council to consider the Planning Application in conjunction with consideration of the proposals as an allocation.

Durham County Council Response: The Council has sought further information from Tarmac which was received in April 2022 and has undertaken further assessment work. The Council now considers that the proposed allocation can be supported in principle via an allocation within the Minerals and Waste Policies and Allocations Document. The allocation would enable 400,000 cubic metres (approximately 600,000 tonnes) of inert construction and demolition waste to be imported to achieve the previously approved restoration prolife, it would extend the existing landfill operation at Old Quarrington Quarry into Cold Knuckle Quarry thereby providing additional capacity at a location which already successfully accommodates an existing inert landfill. The site allocation could play a role in meeting the ongoing need for the disposal of inert waste which cannot be otherwise recycled or subject to recovery. The allocation would also contribute to meeting the identified need for waste disposal in the County Durham Plan. The allocation if granted planning permission could provide additional waste disposal capacity and could be completed over the period to 2042. The allocation would also enable the sale of 900,000 tonnes of magnesian limestone which would otherwise be

used to achieve the previously approved restoration profile, prevent the limestones sterilisation and enable this mineral to contribute to the steady and adequate supply of crushed rock from mineral sites in County Durham. Further information is set out in the County Durham M&WDPD Assessment of potential Minerals and Waste sites in County Durham – submitted in response to a call for sites 2021 (November 2022).

Site M9/W3: Old Quarrington Quarry (Northern part of Quarry)

Tarmac: Quarrington Quarry. Tarmac have promoted two areas of land at Quarrington Quarry for consideration as part of the Policies and Allocations Document - the southern area (hereafter referred to as Old Quarrington/Cold Knuckle) and the northern area (hereafter referred to as Quarrington North). All land promoted falls within the overarching ROMP boundary, but mineral extraction and infilling operations are currently only undertaken within the Old Quarrington/Cold Knuckle area.

Quarrington Quarry North

The Quarrington Planning consent (ROMP) includes an area to the North of the blocks described above and is referred to here as Quarrington North (see appendix 1 for planning permission boundaries). It contains permitted reserves of circa 9.7mt of magnesian limestone reserves. Beneath those reserves there is a further basal Permian sand deposit of circa 1.7mt. The sand resource does not currently form part of the ROMP consent (or any other consent), neither is there permission for backfilling with inert waste. The completed restoration scheme would presently entail a hole or void.

The grade of sand available from the Permian deposit makes it valuable and increasingly important. It provides a relatively fine-grained sand which is frequently not available in variable glacial deposits which are also sometimes affected by lignite. The Permian sand is also highly consistent and valued for several uses. It can be used directly in building mortars or asphalt generally without needing to be washed (energy saving) and with little or no waste. Because the Permian sand bed is typically much thicker than most glacial sand and gravel deposits it also yields much more product from a given land take. These factors give it strong sustainability credentials.

Permian sand can also however be blended with washed fine-grained limestone to produce a manufactured concrete sand. The ratio of sand to Limestone in this blend is less than 1:1 giving more than double return product from the sand bed by using the much more abundant limestone. It should be acknowledging however that Quarrington quarry does not currently have the plant and infrastructure required for washing of limestone.

The Permian sand should be treated as valuable resource and given that permission exists for extraction of the overlying limestone it makes sense in principle that the sand is also recovered from the excavation area. The quantity of permitted limestone overlying the sand and the rate at which the sand might be released (and can play a role in county capacity) needs to be considered. An allocation would also of course would be subject to an Environmental Impact Assessment and planning application process.

Lastly the area of permitted limestone extraction and (if permitted) sand extraction could, in principle, be restored to original levels through inert infill. The area could contribute to capacity for inert fill from an existing site of up to 4.93 m³/3.3 mt. Again, this would need to be subject to design, assessment and application.

The case for allocations was made in Tarmac's representations on sites and allocations in early 2021 and Durham County Council's Minerals and Waste Site Assessments Document (site reference M9/W3 - page 84) seeks clarification on the following matters:

1. whether the sand underlies all or only part of the northern part of the quarry
2. whether the proposed resource lies above or below the water table
3. the proposed sequence or method of working of existing and proposed permitted reserves or the utilisation of existing and proposed inert landfill capacity, including how the working of this part of the quarry will relate to the current working area including whether working and infilling will be concurrent or will consecutive
4. No information has been provided on the proposed annual scale of limestone and sand working/sales or the proposals likely start date or completion date
5. No overall tonnage of inert waste, start date, completion date or final levels of the proposed inert landfill site has been provided.

Taking these points in turn

The sand resource lies underneath the full extent of the permitted limestone, but the thickness varies from East to West.

The Permian sand resource lies above the water table as is the case within the existing Quarrington Quarry/Cold Knuckles area. No dewatering is anticipated. This would be backed up by pre-application assessment.

There are currently an estimated 5 to 6 years of sand and limestone reserves remaining in the Cold Knuckles/Old Quarrington Quarry area. The unconsented sand in the Northern area is estimated at 1.7mt which would in theory represent 8.5 years at current rates. Nevertheless, the exposure of the sand would be dictated by the extraction of the permitted limestone. Using the current rate for limestone this could be a relatively long period of perhaps 30 years. On this basis the indicative rate of annual sand released would be of the order 56,000tpa but because of varying thickness of both beds this could vary significantly from East to West and would not be a straight-line calculation.

Extraction of limestone could commence after exhaustion of reserves in the current area in 6 years' time. This would require submission of details under the ROMP process. An application to work sand would also be needed and might best be presented and considered together.

It is not intended to extract limestone /sand in the northern extension to Quarrington Quarry concurrently with the existing Quarrington Quarry/Cold Knuckles area but to consecutively progress into that area. Restoration by infill would however continue in the current area while extraction in the new area commences.

A scheme for restoration by infill, if appropriate, would also need to be designed on the back of a new extraction scheme but would not commence until completion of the current quarry area probably except for the plant site (or other final section) which would likely need to be kept open.

Paragraph 10.10 identifies a need for further sand. Paragraph 5.38 encourages concurrent working of minerals where two or more naturally occur. The Company seeks that the sand resource at within an already consented extraction area at Quarrington should be recognized as valuable in principle and allocated subject to EIA and detailed application as provided at paragraph 10.7 of the draft Plan. The potential infill capacity should also be recognized.

Durham County Council Response: The proposed site allocation proposed by Tarmac and the smaller area which has also been considered by the Council should not be allocated within the Minerals and Waste Policies and Allocations Document. Whilst an allocation is sought for only basal Permian sand and inert waste disposal, the extraction of the sand and subsequent waste disposal is inextricably linked to working of the overlying permitted reserves of limestone which currently require a new scheme of working and restoration to be agreed with the Council. Any allocation for basal Permian sand and inert waste disposal would not be deliverable without the removal of the limestone and cannot therefore be reasonably made until a new scheme of conditions are agreed. The Council is also mindful that Tarmac intends to prepare and submit a planning application for the entire site, including

the northern area, in around 2023/24. It is considered that this process, which will require submission of an environmental impact assessment informed by a suite of necessary assessments, could provide the most suitable mechanism for establishing the acceptability, physical extent and scale of future mineral working and inert waste disposal operations at Old Quarrington Quarry. Through considering the proposed site allocation the Council considers that an allocation cannot be made because of the following principal reasons:

Biodiversity - The potential for adverse impacts on both nationally and locally designated sites including Cassop Vale Site of Special Scientific Interest (SSSI), Cassop National Nature Reserve (NNR) and the area of Ancient and Semi Natural Woodland which lies in the northern third of the site allocation proposed by Tarmac. Whilst Tarmac have outlined that they do not intend to work the limestone underneath these areas as a responsible mineral operator which is welcomed, nonetheless the Council is concerned that due to the proximity, the proposed working could cause harm to biodiversity and have an adverse effect on the designated sites' interest features and ancient and semi-natural woodland which should be protected and enhanced in line with paragraphs 179 and 180 of the National Planning Policy Framework (NPPF) and for these reasons the Council cannot support the proposed allocation. The Council is mindful that Tarmac intends to prepare and submit a planning application for the entire site, including the northern area in around 2023/24. It is considered that therefore that through this process the detailed ecological and other necessary assessments can be prepared, to establish with certainty whether adverse impacts will occur and whether suitable mitigation can be put into place to ensure adverse impacts do not occur. Through this process the Council will be able to understand the impact of Tarmac's proposals on the interest features of the designated sites.

Landscape - The landscape assessments which have been prepared have focussed on the working of the overlying limestone which is necessary given that their working/concurrent working would be necessary to extract the basal Permian sand. The assessments undertaken have identified that the site originally proposed by Tarmac could result in significant landscape and visual effects depending on the lateral extent of extraction, although it was also considered that the working of the smaller site could be undertaken without significant landscape or visual effects if appropriately designed. However, even for the smaller area, given its role as part of a sensitive landscape feature and its visibility in important views, there remains potential for significant effects and this will need to be assessed in detail to inform the extent of extraction and the detailed design of site operations and restoration. It is considered that this should be undertaken through the preparation of the intended planning application. Through this process the Council will be able to understand the landscape and visual effects of Tarmac's proposals.

Cultural Heritage - The M&WDPD Heritage Impact Assessment on Tarmac's proposed 35 hectare site concluded that the proposed workings would not have any direct effect on the significance (physical fabric) of any identified heritage asset identified. However, the impact upon the setting(s) of Durham World Heritage Site, Old Cassop Conservation Area and some Non-Designated Heritage Asset's close by would potentially be harmful. Similarly, in relation to the smaller working area, which reflects the area within which Tarmac would wish to undertake mineral extraction and disposal activities, the Council's Design and Conservation Team considers that the reduced area may decrease the overall visual effect, in terms of the impact upon the wider setting of the Conservation Area and the potential visual impacts within the setting of the Non-Designated Heritage Assets in closest proximity to the site. However, this would be dependent on the precise nature and extent of workings, and any mitigation measures, and if it would noticeably change the landform and character of this landscape in views. The impact on the setting of Durham World Heritage Site would still be likely to be harmful.

Need for waste disposal - The Council recognises that Old Quarrington Quarry Landfill has played an important role in inert waste disposal for many years. However, the Council is now not satisfied that there will in fact be a need for further inert waste disposal at Old Quarrington Quarry which would warrant a major allocation for further inert waste disposal during the plan period. In reaching this view the Council has considered its own forecasts for how long the existing remaining inert void space, which is reported to the Environment Agency, could remain available. It has considered the contribution of the additional void space that could be provided through the Cold Knuckle allocation (which would reinforce capacity for inert disposal at the quarry's landfill or help conserve void space) and the further information provided by Tarmac which has advised that the that the Environment Agency remaining void space information excludes some void space which is yet to be created. This equates to 1,445,210 cubic metres (2,167,815 tonnes) in total and disposal operations are intended to continue within phase 5 until 2041. It is considered that the proposed allocation for 4.93 million cubic metres of inert void space would represent a significant level of overprovision in relation to the County Durham capacity gap and would not constitute an adequate level of disposal as set out in the National Planning Policy for Waste (PPW paragraph 3).

Sand - In relation to the Basal Permian Sand, despite Tarmac's production forecasts, it is the Council's view that the extent of remaining permitted reserves of sand at this quarry are still sizeable. The scale of working is determined by the company who has decided to seek to maximise sales from this quarry, which has resulted in the depletion of permitted reserves at a greater rate than had been previously anticipated by the Council. Through its role as a Mineral Planning Authority, the Council is required to ensure a steady and adequate provision of aggregates, which it is seeking to do, and not maximise opportunities for individual companies to

maximise sales. Through the provisions of the draft Minerals and Waste Policies and Allocations Document the Council has already sought to make provision to meet the need set out in its latest Local Aggregate Assessment through two allocations identified at Thrislington West Quarry and on land to the north of Crime Rigg Quarry. These two other allocations alone are sufficient to meet the overall quantitative forecast shortfall in supply and the scale of the plan allocations that are identified as being needed within the Councils Local Aggregate Assessment (April 2022). It is considered that their other sites where allocations would be more beneficial to ensuring the steady and adequate supply of sand and gravel and the maintenance of productive capacity. However, it is acknowledged that there may be longer term supply benefits to the working of the sand resources underlying the limestone as part of concurrent working. It is considered that this should be explored by Tarmac through any future planning application which is made for the site.

In addition to considering the environmental topics addressed in this assessment the Council is also required to consider proposals in relation to the overall locational approach to the future supply of primary aggregates as required by County Durham Plan (CDP) Policy 50. As outlined above it is considered that the allocation proposed by Tarmac does not comply with the requirements of CDP Policy 50 (Locational Approach to the Future Supply of Primary Aggregates). This is because the proposed allocation includes within it part of Cassop Vale Site of Special Scientific Interest (SSSI), Cassop National Nature Reserve (NNR) and areas of Ancient and Semi Natural Woodland which is an irreplaceable habitat. CDP Policy 50 states that new aggregate working will be strongly resisted in locations which either contain or could adversely affect internationally and nationally designated sites and irreplaceable habitats. While some new information has been provided by Tarmac to clarify the spatial extent of the proposed area of working at Quarrington North and therefore also the extent of sand extraction and inert infilling through the provision of a historic working plan, nonetheless, the extent of the proposed allocation which has been submitted for consideration still encapsulates the existing nationally and locally designated sites. Both the 35-hectare site allocation proposed by Tarmac and the smaller 24-hectare area being considered by the Council could adversely affect nationally designated sites and irreplaceable habitats. Whether adverse impacts would occur through the working of the smaller area being considered by the Council (which is in effect the same area which Tarmac intend to work) is not known with certainty and could only be fully understood through the detailed assessments which would be required through the submission of a planning application.

Site M10: Hulands Quarry Eastern Extension

Kearton Farms: Potential Non-Strategic Minerals and Waste Allocations Paragraph 10.2 confirms that '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...'

Paragraph 10.3 notes that the County Durham Plan included 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).

Paragraph 10.13 comments that '...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.'

It is noted that the M&WPDPD has not included any additional site-specific allocations for the extraction of a further 2.93 million tonnes of carboniferous limestone to meet the County Durham Plan target of 14.1 million tonnes and we object in this respect. We submitted representations on behalf of our client in relation to the M&WPDPD Call for Mineral and Waste Sites 2021 to Durham County Council on 26 February 2021 (copy attached) which promoted additional land ('Additional Land') covering some 26.5 hectares to extract a further 6 million tonnes of carboniferous limestone on land to the east and north of the Preferred Area allocation extension to Hulands Quarry (covering 20 hectares for the extraction of 8.2 million tonnes of carboniferous limestone). In this respect, it is requested that the Additional Land adjacent to the Hulands Quarry allocated Preferred Area should be included, at least in part, as an additional site-specific allocation in the M&WPDPD in order to provide a further 2.93 million tonnes of carboniferous limestone to meet the County Durham Plan target of 14.1 million tonnes and provide additional reserves in the longer term.

It is anticipated that Hulands Quarry could be one of the suppliers of carboniferous limestone aggregate, including coated roadstone, for the proposed A66(T) Trans Pennine Project. Similarly, Kilmond Wood Quarry, on the opposite side of the A66(T) to Hulands Quarry may also be one of the suppliers of carboniferous limestone aggregate for the above scheme. It is understood that Highways England's latest timeline for this proposed scheme assumes that construction would start in 2024 and the upgraded route would open in 2029, with a 5-year accelerated construction programme. In this respect, assuming that Hulands Quarry and Kilmond Wood Quarry were suppliers of carboniferous limestone aggregate during the construction period for the above road scheme (along with other quarries in the wider locality) then this may well result in an increased rate of depletion of the currently permitted reserves at these sites and from the Preferred Area east of Hulands Quarry, subject to securing planning permission, from the assumed average annual output rates in the County Durham Plan, the latest Local Aggregate Assessment and M&WPDPD. In this respect, it is considered that the Additional Land (6 million tonnes) and Preferred Area (8.2 million tonnes) east of Hulands Quarry would contribute to meeting the County Durham Plan target of 14.1 million tonnes, including the identified requirement for a further 2.93 million tonnes of carboniferous limestone and in the longer term.

Taking the above matters into account we would request that the additional land east of Hulands Quarry should be included as an additional site allocation in the MWDPDPD.

Durham County Council Response: Hulands Quarry is recognised by the Council to be one of three key carboniferous limestone quarries in County Durham of importance to the steady and adequate supply of crushed rock aggregate. Through work to prepare the County Durham Plan the Council has already sought to make provision for future supply at this quarry through the allocation of a Preferred Area which lies to the east of Hulands Quarry to enable crushed rock aggregate working to continue over the Plan period to 2035 and a number of years thereafter. The allocated County Durham Preferred Area should enable the winning and working of 8.2 million tonnes of carboniferous limestone. Subject to planning permission being granted and if worked at the anticipated rate of 300,000 tonnes per annum the existing County Durham Plan allocation should enable the quarry to continue to contribute to the steady and adequate supply of crushed rock until 2051.

The Council acknowledges that its Local Aggregate Assessment (April 2021) 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 14.3 million tonnes and it recommended that scope for additional provision is considered through work to prepare the Minerals & Waste Policies and Allocations document thereby helping to reinforce long term supply and productive capacity". However, through work to prepare the latest Local Aggregate Assessment (April 2022) and consider this proposed site allocation, this matter has now been considered.

Para 6.7 of the Local Aggregate Assessment (2022) advises, “However, given that the need identified in the County Durham Plan was sufficient to meet needs to 2035 plus ten years supply of carboniferous limestone, and this forecast was calculated on the basis of 900,000 tonnes per annum, this shortfall in supply is only equivalent to just over 3 years supply post 2042 and it is now considered to be not actually needed to maintain a steady and adequate supply of carboniferous limestone over the period to 2035. It is considered that Hulands Quarry in combination with the County Durham Plan Preferred Area which lies to the east of Hulands Quarry, in combination with existing permissions at Heights Quarry (which now has planning permission to 31st September 2046) and Kilmond Wood Quarry (which has planning permission to 21 February 2042) should provide for a sufficient supply of carboniferous limestone.” Furthermore, the proposed allocation would provide an additional 6 million tonnes of carboniferous limestone which would be worked over twenty years. However, it is proposed that this mineral would be worked as part of and following the County Durham Plan Preferred Area, on land to the east of Hulands Quarry, which assuming a start date of 2024 would be worked over approximately 27 years at a rate of 300,000 tonnes per annum. On this basis the proposed allocation would contribute to sales post 2051 and is seeking to meet a need which falls well beyond the end date of the County Durham Plan and would not in fact contribute to meeting the need identified in the County Durham Plan. On this basis, it is considered the proposed site allocation, which lies both to the north and east of the County Durham Plan Preferred Area, is not required and would not be consistent with the NPPF requirements for a steady and adequate supply of crushed rock aggregate.

Reference has been made to the A66(T) Trans Pennine Project, given the timescale that the additional area of lands would be working i.e. post 2051. It is understood that the A66(T) Trans Pennine Project will be completed within the time period within which the County Durham Plan Preferred Area would be worked.

Locationally this allocation broadly complies with the requirements of County Durham Plan Policy 50 (Locational Approach to the Future Supply of Primary Aggregates). However, while it does not either contain internationally and nationally designated sites and irreplaceable habitats, as outlined above, the proposed site allocation also lies within the functional land buffer of the North Pennines SPA and the County Ecologist has advised it will not be possible to allocate this site until the likely risk of impact on the integrity of the European site has been adequately ruled out through an HRA (Habitat Regulations Assessment). This is due to potential disturbance to birds due to noise and vibration effects and the foraging habits of breeding golden plover.

In terms of landscape and visual impacts it is considered that the working of the full extent of reserves in this area would be likely to result in some significant effects on a valued landscape and some localised significant visual effects. In addition, it is considered that there would be potentially cumulative effects as a result of this proposed allocation in combination with the existing Hulands Quarry workings, the County Durham Plan Preferred Area at Hulands Quarry and Kilmond Wood Quarry. In addition, sections of

the A66(T) are also proposed to be upgraded as part of the A66(T) Trans Pennine Project including via a bypass at Bowes and at Cross Lanes to Rokeby including junction improvements at Cross Lanes. Furthermore, should the proposed site allocation at Boldron Cross Lanes be allocated additional cumulative impacts could occur.

The above sets out the reasoning for the Council's decision to not allocate the proposed site, which would be additional land to that which is already allocated within the existing County Durham Plan Preferred Area. As stated in addition to landscape, biodiversity and reasons related to cumulative impacts, need is key. The County Durham Plan Preferred Area is understood to contain 8.2 million tonnes of carboniferous limestone and with an anticipated start date of 2024 and rate of working of 300,000 tonnes per annum could be worked until 2051. The additional land containing a further 6 million tonnes if worked also at this rate would result in an initial planning permission of 14.2 million tonnes which would be worked over 47 years. An allocation of this size is not commensurate with a steady and adequate supply of aggregates as required by NPPF paragraph 213. It does not reflect the Council's assessment and conclusions on carboniferous limestone supply as set out within paragraph 6.7 of the Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (April 2022).

Site M11/W4: Eldon Quarry

Eldon Parish Council: The Parish Council simply wishes to express its support for the County Council's conclusions in the allocation document in relation to site assessments for Eldon Quarry regarding non-allocation for the site.

Durham County Council Response: Support Noted.

Chapter 11:- Monitoring and Implementation Framework

Historic England: Page 90, 11.1 We note that the submission draft of the plan will contain a monitoring framework, this is important in helping understand and minimise any environmental impacts including those on the historic environment.

DCC Response: A monitoring framework has been prepared and is included in the Publication Draft Plan.

Tarmac: Having regard to comments made above, it is considered that monitoring indicators should include monitoring the productive capacity of active operations to ensure that annual supply requirements can be met - particularly as a projection through and towards the end of the Plan period when sites may close.

Durham County Council Response: It is not considered that the monitoring framework for the Minerals and Waste Policies and Allocations document should either monitor the productive capacity of active operations to ensure that annual supply requirements

can be met. This is because these matters are monitored through the provisions of the County Durham Plan and through the Councils Local Aggregate Assessment.

County Durham Plan Policies 49 (Primary Aggregates Provision), 50 (Locational Approach to the Future Supply of Primary Aggregates) and 51 (Meeting Future Aggregate Requirements) are the three strategic policies which relate to the supply of aggregates within the County Durham Plan. All three of these policies include monitoring indicators and targets which are monitored and reported within the County Durham Plan Annual Monitoring Report. Policy 49 includes the following indicators: 1. Annual and cumulative sales of sand and gravel. 2. Annual and cumulative sales of crushed rock. 3. Additional permitted reserves of carboniferous limestone. 4. Crushed rock land bank (years). 5. Sand and gravel land bank (years).

In accordance with the requirements of NPPF paragraph 213 the Council jointly prepares a Local Aggregate Assessment with Council's in both Northumberland and Tyne and Wear, which reports upon amongst other matters sales and permitted reserves and provides an assessment of supply and demand for both crushed rock and sand and gravel. For County Durham assessments are provided for both the County Durham Plan period to 2035 and the standard sixteen-year LAA reporting period which currently runs to 2036. The Council has also sought through the Local Aggregate Assessment to understand whether sites are active or inactive and has provided its assessment of sites productive capacity. Table 4.3 "Distribution of permitted reserves of sand and gravel permitted in County Durham and Council estimate of supply/production capacity in 2020" and Table 4.8 "Estimate of Permitted Reserves, Maximum and Potential Productive Capacity on 31 December 2020" of the Council Local Aggregate Assessment sets out the Council's estimate of productive capacity of sand and gravel and crushed rock sites in County Durham. The information in these tables is sourced from planning applications and planning committee reports or mineral operator responses to Durham County Council's annual survey of mineral operators. To date no mineral operator has provided any comment on the productive capacity estimates through the scrutiny process upon the Local Aggregate Assessment which occurs every year when Local Aggregate Assessment is submitted to the North East Aggregates Working Party. The Council recognises that individual mineral operators may on occasion seek to achieve levels of production at a higher level than the estimated productive capacity figures, but they are nonetheless a guide for the Council to help understand the capability of County Durham's crushed rock and sand and gravel sites.

Appendix A: Table of Superseded Policies

No comments received.

Responses to the Regulation 18 Statement – Sustainability Appraisal of the Minerals and Waste Policies and Allocations Document

The consultation process yielded representations from three organisations. The responses which were received are set out below. The Council’s Sustainability and Climate Change Officer has confirmed that the SA Framework will be amended as necessary.

Natural England	Durham County Council Sustainability and Climate Change Officer Response
<p>The Sustainability Appraisal sets out a clear framework for assessing the M&WDPD and comprehensively covers the key sustainability issues that fall within Natural England’s remit.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries, please do not hesitate to contact us.</p>	<p>Noted.</p>

Historic England Comments	Durham County Council Sustainability and Climate Change Officer Response
<p>Page 31: A4: We would recommend revising the first question in the second column to read “Protect and enhance the significance of designated and non-designated heritage assets including their setting. This is more all-encompassing in terms of the assessment of impact rather than character or appearance. Change as per comments.</p>	<p>Agree, this is a more encompassing term and will be amended. The amendment does not alter the overall emphasis of objective 12 which is to protect and enhance cultural heritage and the historic environment.</p>
<p>Page 53: 4.2.15: Whilst we agree that the policy as written is likely to avoid substantial harm to a heritage asset, it may also prevent less than substantial harm to a heritage asset where after weighing the public benefits of the proposal and undertaking any balancing exercise of the benefits of minerals exploration a proposal is deemed unacceptable. We do not consider a change to the policy is necessary, instead a rewording of the Sustainability Appraisal as per comments</p>	<p>Agree. The wording will be revised accordingly to reflect this.</p>

<p>Page 89: 4.2.9: We support the recognition that borrow pits may reduce the need for obtaining supply from an existing quarry which may help avoid impact son the historic environment. No change</p>	<p>Noted</p>
<p>Page 114: We would state that ensuing those proposals would need to demonstrate there is a clear and convincing justification for any harm not just substantial harm, and that the public benefits of exploration are weighed against this harm. Where harm to a heritage asset can be avoided this should be the case. No change needed to the policy</p>	<p>Agree. The wording will be revised accordingly to reflect this.</p>
<p>Page 120: 4/15.11: Proposals which lead to any harm will require a clear convincing justification, where it is possible to remove any such harm or to minimise it this should be the case. No change needed to the policy.</p>	<p>Agree. The wording will be revised accordingly to reflect this</p>
<p>Page 127: 4.16.13. Again, this should not be limited to substantial harm. No change needed to the policy.</p>	<p>Agree. The wording will be revised accordingly to reflect this.</p>
<p>Page 163: Recommendations/Mitigation. We support the proposed changes through the SA which will help avoid and minimise any harm to the historic environment. However, as stated within our comments to the plan at Appendix A there is a role within this policy to be more direct on the aftercare and restoration in respect of the historic environment including revealing significance. The policy should be more direct on the restoration and aftercare in relation to opportunities for better revealing or enhancing the significance of heritage assets.</p>	<p>Noted</p>
<p>Page 179 / Summary Assessment – Policy MW24 Site Specific Allocation Northern Extension to Crime Rigg Quarry</p> <p>In light of our comments on the plan found at Appendix A we consider that as there are heritage assets within close proximity of the site including Shadforth Conservation Area and Ludworth Tower (Listed Grade II and Scheduled Monument) a brief Heritage Impact Assessment should be carried out to assess any potential impact arising from development from this proposal. This should include any measures to avoid, minimise and mitigate harm.</p>	<p>Assessment outcome will be amended accordingly.</p>

<p>Undertake a Heritage Impact Assessment to determine suitability for allocation and the need for any avoidance, minimisation and mitigation measures should any harm be identified.</p> <p>At this stage we would assess impacts as uncertain.</p>	
<p>Page 182 / 5.2.18 - Whilst Ludworth Tower is sited 560m away given topography and scale of the proposal a more detailed Heritage Impact Assessment is needed to ensure that harm would not arise from the proposed allocation. At this stage we are unable to confirm agreement with this paragraph until more detailed assessment is carried out.</p>	<p>This paragraph and assessment outcome will be amended accordingly</p>
<p>Page 186 / Table of Cumulative Effects - Whilst at this stage would state impact on policy 24 Crime Rigg Quarry is uncertain, we are in general agreement with the assessment of cumulative effects of the plan being positive overall when the plan is read in conjunction with the historic environment policies within the adopted County Durham Plan. No change</p>	<p>Noted</p>
<p>Page 194 / 12. Historic Environment - We are of the view that unless there are public benefits which outweigh any less than substantial harm that may arise from a development proposal for minerals or waste, the policies within the plan alongside those of the County Durham Plan when the plan is read as a whole will help to avoid harm as much as possible not just substantial harm.</p> <p>Amend to add that in the case of proposals where there is a less than substantial harm, unless there are clear public benefits which outweigh this harm, the policies in the plan as a whole as worded will deem such proposals unacceptable.</p>	<p>Agree. The wording will be revised accordingly to reflect this.</p>
<p>Many of the draft policies in the plan refer to unacceptable adverse environmental impacts. We note from the Sustainability Appraisal explains that such a policy requirement will mean that substantial harm is avoided whilst we support this we are somewhat concerned by the absence of any mention of less than substantial harm.</p>	<p>All instances will be amended in the SA report to ensure that 'less than substantial harm' is properly accounted for in the context of unacceptable adverse environmental impacts.</p>

Less than substantial harm is likely to be the level of harm that that arises from the impact of the majority of waste and minerals proposals where there an impact on the significance of a heritage asset. This because substantial harm is a very high bar only likely to be present in the most serious of cases such as the total loss of a heritage asset. However, it is important that less than substantial harm is not seen to have the same meaning as a less than substantial objection (see Bedford Borough Council v Secretary of State for Communities and Local Government, Nuon UK Ltd [2013] EWHC 2847 (Admin)).

Paragraphs 199 of the NPPF requires great weight being given to the conservation of a heritage asset (and the more important the asset, the greater the weight should be) irrespective of the level of harm to its significance. Any harm will require a clear and convincing justification (NPPF paragraph 200). Where a development proposal would lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF paragraph 202).

In light of the above, there are likely to be instances where a proposal would result lead to a less than substantial harm to a heritage asset, and after weighing the public benefits of the proposal, the less than substantial harm would outweigh any public benefit. Such a proposal should therefore be deemed unacceptable. It is our view that there is sufficient provision within the development plan through policy 44 of the adopted County Durham Plan that any proposals will be assessed in this way. The caveat within the policies in the Minerals and Waste plan that states that states that proposals will not be supported where there is unacceptable adverse environmental impact does not lie contrary to this. Therefore, we do no

<p>object to the wording of the policies in the draft plan in this regard but are instead concerned with the way they may have been interpreted in this context within the Sustainability Appraisal.</p>	
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Environment Agency	Durham County Council Sustainability and Climate Change Officer Response
<p>Objective 8 (Reduce the causes of climate change) We advise that Objective 8 includes the following text, “encouraging alternative renewable heat and energy schemes such as geothermal, ground source heating and cooling (GSHC) and mine heat/energy.”</p>	<p>No change. It is considered that this is adequately covered by the following wording ‘Contribute to the development / wider use of renewable energy sources’</p>
<p>Objective 9 (Adapt to Climate Change) We advise the inclusion of the following wording “discourage inappropriate development in areas at risk from rising mine water.” This would take into account situations where drainage systems, especially infiltration, will not work because of high groundwater or mine water levels.</p> <p>We also advise that Objective 9 could use stronger wording in respect of flood risk and encourage development to reduce flood risk rather than focussing on not increasing flood risk.</p>	<p>The following minor amendment has been made:</p> <p>Reduce and minimise the risk of / from flooding or coastal erosion, including in areas at risk from rising mine water</p> <p>The amendment does not alter the overall emphasis of objective 9 which is to respond and enable adaptation to the inevitable impacts of climate change.</p>
<p>Objective 13 (Protect and Improve air, water and soil resources) In respect of soil resources, there should be some consideration of drought climate change impacts as we have seen much drier soils for much longer periods in recent years.</p> <p>We are pleased to see that the reduction in the amount of water used has been included but we would also wish to see consideration of protecting/managing water in high stress areas and the role of water in protecting and maintaining the environment, including biodiversity.</p>	<p>The following minor amendment has been made in respect of soil resources to reflect this further:</p> <p>Promote good soil management and health and avoid exacerbating dryness associated with drought.</p> <p>The amendment does not alter the overall emphasis of objective 13 which is to protect and improve air, water, and soil resources.</p>

	It is considered that protecting and managing water in high stress areas etc is taken into account by criterion that aims to take local carrying capacity limits into account.
<p>Objective 15 (Improve the sustainability of mineral extraction) We advise that Objective 15 could include the following text “seek opportunity to achieve environmental and biodiversity net gains following mineral extraction.”</p>	No change. It is considered that biodiversity net gains is taken into account by SA Objective 10 – To protect and enhance biodiversity and geodiversity. Commentary against SA objective 15 also takes into account the effects predicted against all the preceding SA objectives which consider the protection and enhancement of environmental receptors i.e., landscape, biodiversity, heritage, air, water, soil.
<p>Section 8 (Conclusion, Monitoring and Next Steps) We are very happy to see the inclusion of the potential risks to groundwater resources posed by allocations at Thrislington Quarry and Crime Rigg Quarry within Sections 8.0.1 and 8.0.2 of the SA. We consider that it would also be beneficial if similar wording on the potential risks was included in the minerals and waste development plan itself (as mentioned above in Chapter 10). We are pleased that Section 8 explains that detailed hydrogeological assessment will be required, and that the EA will be pivotal to determining whether the risks to groundwater can be successfully mitigated.</p>	Noted.

Responses to the Regulation 18 Statement – Habitat Regulations Assessment Screening Report Draft County Durham Minerals and Waste Policies and Allocations Document

The consultation process yielded one representation in total to the Draft Plan from one organisation. The response which was received is set out below. Please note one further representation was submitted online to this document but as this related to the proposed allocation at Thrislington West Quarry (Policy MW23 - Site specific allocations at Thrislington West Quarry) it has been addressed as a representation to the Draft Minerals and Waste Policies and Allocations Document.

Natural England	Durham County Council Ecology Team Officer Response
<p>Habitat Regulations Assessment Screening Report. Natural England agrees with the conclusion of the screening report undertaken which concluded that the potential Hulands quarry extension (Site M10) has a likely significant risk of impact on the North Pennine Moors Special Protection Area (SPA). An Appropriate Assessment will be required if a decision is made to allocate the proposed extensions to the quarry in future iterations of the Plan.</p>	<p>Noted.</p>

Appendix A - Press Release on Draft Minerals and Waste Policies and Allocations Document

Public consultation on key planning document

County Durham residents are invited to comment on a document that will play a key part in future planning decisions related to mineral working and waste development. The Minerals and Waste Policies and Allocations Document addresses issues relating to the potential impact of such sites, including noise and dust, traffic, the restoration of land and two new sites where further quarrying could take place. Prepared by Durham County Council, it will be used by the authority to guide decision-making on planning applications for mineral working and waste development.

The council is inviting people to have their say on a draft version of the document through a public consultation.

Cllr Elizabeth Scott, Cabinet member for economy and partnerships, said: “Our county has more than 150 mineral and waste sites. Although not all of these are currently active, there are a large number of quarries extracting minerals such as limestone, brick clay, sand and gravel. In fact, County Durham is the largest producer of aggregates in the region, making the mineral industry vital to our economy.

“Meanwhile, we have a network of waste management sites, including household waste recycling centres, waste transfer stations and landfill sites, all of which can have an impact on people’s everyday lives.

“It is essential that decisions about how they operate are guided by fair and sound principles, and that members of the public have the opportunity to have their say on these. I would urge everyone to take part in the consultation and ensure their views are taken into account.”

As well as holding a public consultation, the council has also sought comment from a range of stakeholders, including the Environment Agency, Natural England, Heritage England, the Coal Authority and adjoining local councils. The final document will sit alongside the County Durham Plan and will replace existing policies of the County Durham Minerals Local Plan (2000) and the County Durham Waste Local Plan (2005). Once the consultation is complete, the feedback received will be used to develop the next stage of the document, known as the pre-submission draft, which members of the public will have a further chance to comment on.

The final version will then be submitted to the government and will be subject to examination by an Independent Planning Inspector.

To find out more and take part in the consultation, visit www.durham.gov.uk/consultation. The consultation closes at 4.30pm on Friday, 5 November.

Appendix B - Social Media (Facebook and Twitter)



Durham County Council

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Did you know there are more than 150 mineral and waste sites across County Durham?

We're currently drafting a new policy that will guide planning decisions on this important area of development.

The document will address issues relating to the potential impact of such site, including noise and dust, traffic, the restoration of land and potential new sites.

To have your say on the document, visit: <http://ow.ly/ci6t50GtPzE>



4,460
People reached

17
Engagements

Boost post

👤 Paula Nixon

1 share

👍 Like
💬 Comment
➦ Share
⋮

Performance for your post

4,460 People Reached

2 Likes, Comments & Shares ⓘ

1 Likes	1 On Post	0 On Shares
0 Comments	0 On Post	0 On Shares
1 Shares	1 On Post	0 On Shares

15 Post Clicks

2 Photo views	8 Link clicks	5 Other Clicks ⓘ
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NEGATIVE FEEDBACK

3 Hide post	0 Hide all posts
0 Report as spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

It was also posted on Twitter on three separate occasions.

- <https://twitter.com/DurhamCouncil/status/1450816685380882443>
- <https://twitter.com/DurhamCouncil/status/1450537608128471044>
- <https://twitter.com/DurhamCouncil/status/1450432578717208577>



Appendix C - Consultees Consulted Directly By Durham County Council Consultation Team

- Better Together Forum members
- Youth Council
- Town and Parish Councils via CDALC
- Disabilities Partnership
- AAP Chairs and Coordinators

Better Together Forum Member organisations

- Age UK County Durham
- Alzheimer's Society
- Association of Teesdale Day Clubs
- Butterwick Hospice
- Changing Lives
- Citizens Advice County Durham
- Coquet Trust
- Cornforth Partnership
- County Durham Community Foundation
- County Durham Sport
- Cruse Bereavement Care
- DASH
- Durham Association of Boys and Girls Clubs
- Durham Christian Partnership
- Durham Community Action
- Durham County Carers Support
- Durham Scouts
- Early Year Alliance
- East Durham Trust
- Family Action

- Finchale Group
- Foundation UK
- Groundwork
- Hartlepool & East Durham MIND
- Healthwatch
- Home Group
- Hospital of God
- Humankind
- Investing in Children
- Jack Drum Arts
- ManHealth
- Moving On
- MS (Multiple Sclerosis) Society
- NE First Credit Union
- NE Youth
- NECAT
- NEPACS
- Northern Learning Trust
- Northern Rights
- OASES (North East Environment Network)
- PCP
- Rare Rockets
- Relate
- Richmond Fellowship
- Social Enterprise Acumen
- St Cuthbert's Hospice
- St Margaret's Centre
- Supportive
- UTASS

- Veterans at Ease
- Waddington Street Centre

Appendix D - Additional Correspondence Following Consultation On The Draft Plan.

This Appendix provides information on key correspondence between the Council and key consultees following the close of consultation on the Draft Plan in November 2021.

1 - Email to Natural England dated 28 February 2022.

County Durham Minerals & Waste Policies and Allocations Development Plan Document - Site Allocation proposals request for Natural England View

Thank you for your email dated the 4th of November 2021 which provided Natural England's comments upon the Council's emerging Minerals and Waste Policies and Allocations Document. The comments you provided were most helpful.

The purpose of this email is to seek Natural England's specific views on a number of potential site allocations proposals which were proposed by minerals and waste operators which whilst the Council have not identified as allocations within the emerging Minerals and Waste Policies and Allocations Document are still being pursued as allocations by operators. Whilst information on all of the operator proposed sites are set out within the attached Minerals and Waste Site Assessment document which was published alongside the Minerals and Waste Policies and Allocations document in September 2021 the table below focuses on the operator proposed allocations within which Sites of Special Scientific Interest are located within, adjoin or are within 2km from the boundary of the operator proposed allocation. The table below does not include the two sites allocations which are identified within the emerging Minerals and Waste Policies and Allocations Document and are allocated under Policy MW23 (Site Specific Allocation at Thrislington West Quarry) and Policy MW24 (Site Specific Allocation Northern Extension to Crime Rigg Quarry) and upon which your letter of the 4th of November has already provided comments.

The Council's stated position is to resist the allocation of Site M2 (Raisby Quarry - Proposed Eastern Extension), Site M4 (Boldron Cross Lanes Proposed New Site) and Site M10 (Hulands Quarry Eastern Extension). However, we are still considering the merits of

- Site W1 (Crime Rigg Quarry Waste Infilling) and Site M9/W3 (Old Quarrington Quarry (Northern part of Quarry)). The Minerals and Waste DPD Site Assessment document advised that "the Council will need to take into account the views of Natural England as the proposed site is also a SSSI and the proposed scheme would adversely affect the geological SSSI. The views of

Natural England will also be sought upon the compensatory measures which have been proposed at the proposed northern extension to Crime Rigg Quarry”.

- Site M9/W3 Old Quarrington Quarry (Northern part of Quarry).

Site number as identified in the attached Minerals and Waste DPD Site Assessment document	DCC Biodiversity Geodiversity comments on the proposed site as set out within the Minerals and Waste DPD Site Assessment document	Request for Natural England View
Site W1 - Crime Rigg Quarry Waste Infilling	The proposed allocation is designated as Site of Special Scientific Interest (SSSI) and is a key reference section for the Permian Yellow Sands Formation. This site has been identified as of national importance in the Geological Conservation Review. Breedon acknowledge that infilling with imported inert material would result in much of the existing exposed faces forming the SSSI to be permanently concealed. Accordingly, they have proposed that newly exposed faces in the proposed northern extension to Crime Rigg Quarry (as discussed above) would replace the current SSSI thereby allowing the designation to be removed and the proposed infilling of the remainder of Crime Rigg Quarry to proceed. The	The Minerals and Waste DPD Site Assessment document advised that, “the proposed site has the potential to be suitable for further inert waste disposal in the longer term. However, there is no need for this site to be allocated for waste disposal purposes in either the short to medium term. Prior to a final decision being taken by the Council further information is needed from Breedon in particular in relation to overall tonnage which would be proposed to be accommodated within the site, the timescale for the further tipping and the final landform which is proposed to be achieved”. To date this information has not been forthcoming. The Minerals and Waste DPD Site Assessment document also advised that “the Council will need to take into account the views of Natural England as the proposed site is also a SSSI and the proposed scheme would adversely

	<p>views of Natural England will be sought in relation to the impact of the proposed site in relation to its impacts upon the SSSI and the proposed compensatory restoration proposals to the proposed allocation for mineral working north of the B1283. However, the proposal as submitted is considered to have an unacceptable impact upon the SSSI. Full ecological assessment of the site would be expected at the planning application stage. The restoration of the proposed allocation should provide biodiversity net gains and support coherent ecological networks, in line with the requirements of the NPPF and the County Durham Plan. The restoration strategy should also aim to support the priorities of the Local Nature Recovery Strategy, delivering geo-diversity benefits where possible.</p>	<p>affect the geological SSSI. The views of Natural England will also be sought upon the compensatory measures which have been proposed at the proposed northern extension to Crime Rigg Quarry”.</p> <p>We consider that what has now been proposed by Breedon would result in a significant change to the approved restoration strategy for the quarry which was established by the 1994 permission. The 1994 permission allowed an eastern extension to the quarry, permitted the western part of the quarry to be infilled with inert waste and also provided for alternative suitable faces in the eastern extension area to be left exposed in mitigation, a principle which Natural England accepted at that time.</p> <p>We would be interested in Natural England’s view on the Councils assessment and the acceptability of what is now being proposed by Breedon. We currently consider that the assessment should be strengthened to refer to explain the reason for Crime Rigg Geological SSSIs notification. We would welcome Natural England’s views on the proposed allocation for inert waste infilling within the eastern part of Crime Rigg Quarry in combination with the proposed compensatory restoration proposals for the proposed allocation for mineral working to the north of the B1283. Would there be an in principal objection to the proposed allocation as it would not protect and would have an adverse effect on the Geological SSSI by virtue of the harm caused by the concealment of the geological SSSI by the inert waste or could this be potentially overcome via a planning</p>
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		<p>permission and/or legal agreements? For example, which required:</p> <ol style="list-style-type: none"> 1) A process of site recording/documentation within the eastern part of Crime Rigg Quarry to ensure an appropriate record is made of the geodiversity prior to its concealment; and 2) A scheme of compensatory work being agreed which would lead to the exposure of geological exposures comparable with the SSSI in the proposed allocation to the north of the B1283 under Policy MW24 - Site Specific Allocation Northern Extension to Crime Rigg Quarry.
<p>Site M2 - Raisby Quarry - Proposed Eastern Extension</p>	<p>Raisby Hill Site of Special Scientific Interest (SSSI) lies within the current quarry boundary and adjoins the western part of the proposed site. Trimdon Limestone Quarry SSSI adjoins the south-eastern part of the proposed site. Raisby Way and Trimdon Grange Quarry Local Nature Reserve (LNR) adjoins and partially lies within the boundary of the south-eastern part of the proposed site. A number of Local Wildlife Site (LWS) and LNRs adjoin or lie near to the proposed site including Trimdon Grange and Railway LWS which adjoins the south and south-eastern boundary of the proposed site and Trimdon Grange Pit Heap LWS. The impacts of the proposed allocation on these sites would need to be fully assessed and any necessary mitigation implemented. A full ecological assessment of the</p>	<p>While we do not currently support the proposed allocation for an eastern extension to Raisby Quarry, the assessment which was undertaken by the Council did, however, conclude that subject to need (at a future date) and environmental acceptability that an eastern extension would be logical and should be considered for allocation within future iterations of the development plan in County Durham.</p> <p>We would be interested in Natural England's view on how the Councils assessment could be strengthened and upon the acceptability of an eastward's extension to the quarry in relation to the Raisby Hill Quarry Geological SSSI. We currently consider that our assessment should be strengthened to refer to Raisby Hill Quarry Geological SSSIs reason for notification and that the assessment should go beyond simply delivering "geo-diversity benefits where possible" and to refer to the need to retain or if that is not</p>

	<p>site would also be expected at the planning application stage. The restoration of the proposed allocation should complement the existing proposals for the restoration of the existing quarry which has been designed to provide biodiversity net gains and support coherent ecological networks, in line with the requirements of the NPPF and the County Durham Plan. The restoration strategy should also aim to support the priorities of the Local Nature Recovery Strategy, delivering geo-diversity benefits where possible.</p>	<p>possible to do so to recreate examples of the geological rock exposures for which the geological SSSI is notified. Trimdon Limestone Quarry SSSI adjoins the south-eastern part of the proposed allocation. Would Natural England object to any proposals which would not protect and would have an adverse effect upon Trimdon Limestone Quarry SSSI?</p>
<p>Site M4 - Boldron Cross Lanes Proposed New Site</p>	<p>The proposed allocation is not sited within any nationally or locally designated sites. The nearest nationally designated site lies Kilmond Scar Site of Special Scientific Interest (SSSI) lies approximately 1.7 km to the southwest and beyond the existing Kilmond Wood Quarry. The nearest Local Wildlife Site (LWS), Thorsgill Wood LWS lies approximately 750 metres to the north. A full ecological assessment of the site would also be expected at the planning application stage. The restoration of the proposed allocation be designed to provide biodiversity net gains and support coherent ecological networks, in line with the requirements of the NPPF and the County Durham Plan. The restoration strategy should also aim to support the priorities of the Local Nature</p>	<p>The Minerals and Waste DPD Site Assessment document did not support the allocation of this site allocation proposal. In terms of nationally protected sites of biodiversity interest, the nearest Site of Special Scientific Interest (SSSI) Kilmond Scar Site of Special Scientific Interest (SSSI) lies approximately 1.7 km to the southwest, to the south of the A66 and beyond the existing Kilmond Wood Quarry. We are of the view that the proposed allocation would not be likely to have an adverse impact upon the SSSI. This assessment is based upon the distance of the proposed allocation from the SSSI and the intervening land uses which include both Kilmond Wood Quarry and the A66. Can you confirm that Natural England do not have an objection to the proposed allocation on the basis of the potential impact upon the SSSI?</p>

	Recovery Strategy, delivering geo-diversity benefits where possible.	
Site M9/W3 Old Quarrington Quarry (Northern part of Quarry)	<p>The proposed allocation is constrained by national and locally designated sites. Approximately one third of the area in the northern part of the proposed allocation, but within the existing planning permission area contains nationally and locally designated sites. Cassop Vale Site of Special Scientific Interest (SSSI) crosses part of the site and part of this site is also designated as Cassop Vale National Nature Reserve (NNR). Part of the northern area, both within and outside the SSSI and NNR is also locally designated as an area of Ancient and Semi Natural Woodland. As outlined above, other than a boundary of the proposed allocation, which comprises the northern part of the current quarry, no information has been provided on the spatial extent or depth of the basal Permian sand or any information in relation to how this mineral would be worked and no information has been provided in relation to the inert landfill. While the proposed allocation lies within a mineral permission the proposal if it were to result in the removal of the NNR and SSSI and an area of Ancient and Semi Natural Woodland and would result in a complete loss of the designated sites. Should the site be allocated the restoration of the proposed allocation should</p>	<p>Tarmac have proposed an allocation for 1.7 million tonnes of basal Permian sand which underlines 7 million tonnes of magnesian limestone which has planning permission for mineral working. Tarmac also proposed that the void created through the extraction of both the magnesian limestone and basal Permian sand should be allocated for inert landfill and advise that the void which could accommodate 5 million cubic metres of inert waste.</p> <p>The Minerals and Waste DPD Site Assessment document did not support the allocation of this site allocation proposal. However, further information was sought from Tarmac on their proposals. However, we would be interested in Natural England's view on the Councils assessment and the acceptability of what is being proposed by Tarmac.</p>

	<p>complement the existing proposals for the restoration of the existing quarry which has been designed to provide biodiversity net gains and support coherent ecological networks, in line with the requirements of the NPPF and the County Durham Plan. The restoration strategy should also aim to support the priorities of the Local Nature Recovery Strategy, delivering geo-diversity benefits where possible. A full ecological assessment will be required at the planning application stage.</p>	
<p>Site M10 Hulands Quarry Eastern Extension</p>	<p>The proposed allocation is not sited within any nationally or locally designated sites. The North Pennines Moors Special Area of Conservation (SAC) and North Pennines Moors Special Protection Area (SPA) both lie over 3 km to the west. Kilmond Scar Site of Special Scientific Interest (SSSI) lies to the south of the A66(T) to the south of Kilmond Wood Quarry. While it is not anticipated that the proposal would impact upon Kilmond Scar SSSI, the proposal area does lie within the functional land buffer of the North Pennines SPA and it will not be possible to allocate this site until the likely risk of impact on the integrity of the European site has been adequately ruled out through an HRA (Habitat Regulations Assessment). This is due to potential disturbance to birds due to noise and vibration</p>	<p>The Minerals and Waste DPD Site Assessment document did not support the allocation of this site allocation proposal. Natural England's comments in your letter of the 4 November in relation to the Habitat Regulations Assessment Screening Report and Hulands Quarry are noted i.e., Natural England agrees with the conclusion of the screening report undertaken which concluded that the potential Hulands Quarry extension (Site M10) has a likely significant risk of impact on the North Pennine Moors Special Protection Area (SPA). An Appropriate Assessment will be required if a decision is made to allocate the proposed extensions to the quarry in future iterations of the Plan.</p> <p>in terms of nationally protected sites of biodiversity interest, the nearest Site of Special Scientific Interest (SSSI), Kilmond Scar SSSI lies approximately 350 metres to the south, but no further than the existing County Durham Plan Preferred Area which already allocates land to the east of Hulands Quarry</p>

	<p>effects and the foraging habits of breeding golden plover. A full ecological assessment of the site would also be expected at the planning application stage. The restoration of the proposed allocation should complement the existing proposals for the restoration of the existing quarry which has been designed to provide biodiversity net gains and support coherent ecological networks, in line with the requirements of the NPPF and the County Durham Plan. The restoration strategy should also aim to support the priorities of the Local Nature Recovery Strategy, delivering geo-diversity benefits where possible.</p>	<p>for mineral working, and to the south of both the A66 and Kilmond Wood Quarry. We are of the view that the proposed allocation would not be likely to have an adverse impact upon the SSSI. This assessment is based upon the distance of the proposed allocation from the SSSI and the intervening land uses which include both Kilmond Wood Quarry and the A66. Can you confirm that Natural England do not have an objection to the proposed allocation on the basis of the potential impact upon the SSSI?</p>
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I would be grateful if you could confirm receipt of this email.

If at all possible, it would be most helpful if we could receive Natural England's view before the end of March.

2 – Letter from Natural England 31 March 2022 received in response to email from the Council.

Planning consultation: Minerals and Waste Development Plan Document Site Assessments (DPDSA) (Regulation 18) Location: County Durham

Thank you for your consultation on the above dated 28 February 2022 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has commented previously on the Regulation 18 Statement - Notice of Intention to Prepare a Local Plan Development Plan Document (date: 03 February 2021, reference: 340143) and the Draft Minerals & Waste Policies and Allocations Development Plan Document (M&WDPD) with Sustainability Appraisal & HRA Screening (date: 04 November 2021, reference: 368980).

This letter represents our further comments with regards to the proposed future allocations detailed within the Minerals and Waste Development Plan Document Site Assessments (DPDSA) which have been informed by Durham County Council's Call for Minerals and Waste Sites request. Natural England welcomes the Council's site assessments within the DPDSA however we have the following comments.

Site W1 - Crime Rigg Quarry Waste Infilling

The proposed allocation is a Site of Special Scientific Interest (SSSI) which displays probably the most important site in the Lower Permian Yellow Sands, overlying Marl Slate and Lower Magnesian Limestone. Large faces in the quarry show the complex, inter-digitating cross-bedding typical of the Yellow Sand.

Breedon (the site operator) acknowledge that infilling the quarry void with imported inert materials would result in the permanent concealment of the SSSI interest features. They have proposed to expose new faces within the proposed northern extension to Crime Rigg Quarry (north of the B1283).

Natural England anticipates that the proposed geological exposures at the northern extension would be comparable with the existing SSSI interest features and therefore would agree in principle to the proposed allocation. However, there are currently a lot of unknown factors and the proposal as submitted is considered to have an unacceptable impact upon the SSSI. Natural England expects sufficient environmental, geological and economic evidence to be provided at the planning application stage to demonstrate the viability of the proposal.

If this site is allocated in the future the plan should set criteria based policies that include the need for strong evidence to demonstrate the viability of the northern extension becoming the replacement SSSI, whilst at the same time demonstrating that comparable special interest features will be exposed during the transition period (i.e. the landfill operations are concurrent with the new SSSI interest feature exposures).

The restoration of the proposed allocation should:

- enhance and improve the ecological linkages to the designated site
- support the Local Nature Recovery Strategy
- deliver geodiversity benefits
- provide a biodiversity net gain

Site M2 - Raisby Quarry - Proposed Eastern Extension

Raisby Hill Quarry SSSI lies within the current quarry boundary. This working quarry exposes a section through the Ford and Raisby Formations and the Marl Slate of the Upper Permian. The site is of particular importance for displaying the type section of the Raisby Formation. It is also of interest in that the rock is predominantly limestone rather than the usual dolomite, and that it contains rather a fuller and more diverse fauna than usual. It is a key section in the Marine Permian of north-east England.

In principle Natural England would not object to the proposed allocation of the eastern extension. However, we would expect to see further information at the planning application stage which provides evidence that the site's special interest features will be retained or enhanced and details of a restoration strategy.

The restoration of the proposed allocation should:

1. enhance and improve the ecological linkages to the designated site
2. support the Local Nature Recovery Strategy
3. deliver geodiversity benefits
4. provide a biodiversity net gain

Natural England would object to any proposals which would not protect and would have an adverse effect upon Trimdon Limestone Quarry SSSI.

Site - M9/W3 Old Quarrington Quarry (Northern part of Quarry)

The northern part of the proposed allocation crosses into Cassop Vale SSSI which is notified for one of the more extensive tracts of Sesleria-Scabiosa grassland, a vegetation type unique to the Durham Magnesian Limestone. The proposed allocation also crosses Cassop Vale National Nature Reserve (NNR) and is adjacent areas of ancient and semi-natural woodland.

No information has been provided on the spatial extent or depth of the basal Permian sand or how this mineral would be worked. With regards to the proposed inert landfill, no details have been provided.

Natural England would expect to see further information which provides detail of how the designated sites' interest features and ancient and semi-natural woodland will be protected and enhanced in line with paragraphs 179 and 180(c) of the National Planning Policy Framework (NPPF).

Site M4 - Boldron Cross Lanes Proposed New Site

Kilmond Scar SSSI, which is notified for limestone grassland and vegetation associated with rocky habitats, lies approximately 1.7km to the southwest of the proposed allocated site. Based on the proposal as submitted, Natural England considers that the proposed allocation will not have significant adverse impacts on the interest features of this SSSI.

Site M10 - Hulands Quarry Eastern Extension

Please refer to Natural England's comments in our response dated 04 November 2021 (reference: 368980) which details our position regarding the likely significant effect on the North Pennine Moors Special Protection Area (SPA).

In terms of nationally protected sites, the proposed allocation lies approximately 350 metres to the north of Kilmond Scar SSSI. Based on the proposal as submitted, Natural England considers that the proposed allocation will not have significant adverse impacts on the interest features of this SSSI.

3 Email to Natural England sent 17 June 2022

Dear XXXXX

County Durham Minerals and Waste Development Policies and Allocations Document

Further to our telephone call this morning (Friday 17th June) I am emailing to seek further advice on the proposal by Tarmac for an allocation on land at Old Quarrington Quarry, for sand extraction (1.7 million tonnes of basal Permian sand) and inert waste disposal within the void created by the removal of overlying limestone and sand.

The attached word document sets out the detail of my enquiry and includes a number of questions provides updated background information. Plan 1 – Development and Phasing.jpg is a historic map provided by Tarmac which show the extent of the two future phases (phase 3 and phase 4) of mineral working that they are interested in pursuing at Old Quarrington Quarry through a future planning application and which could provide the basis for an alternative allocation to that which was originally proposed. To provide clarity, the two other plans we have provided show the digitised phase 3 and phase 4 boundaries on modern base maps.

Many thanks

4 Email to Natural England sent 28 June 2022

Hi

Thank you for your call earlier.

Planning permission at Old Quarrington Quarry was first granted in 1952. Having double checked the SSSI was first notified earlier than I first thought, in 1958 under Section 23 of the National Parks and Access to the Countryside Act, 1949. Development Management History (Summary):

- Quarrying operations at Old Quarrington Quarry enabling the extraction of magnesian limestone were first granted planning permission in 1952. However, unlike the southern part of the quarry where sand extraction and inert landfill is permitted, within the proposed allocation sand extraction or inert landfill is not currently permitted
- Planning permission was granted in 2011 for the re-establishment of secondary aggregate recycling facility (8/CMA/4/49) in the southern part of the quarry.
- In 2012 planning permission was issued which related to four applications which were approved by the County Planning Committee in 2011. These related to the initial review of old planning permissions under the requirements of the Environment Act 1995 for the working and restoration at Old Quarrington Quarry (8/MRA/4/1(1)); an extension to Cold Knuckle Quarry (8/CMA/4/47) and the variation of Condition 7 of planning permission No. 4/86/456CM to extend the period of mineral extraction until 3 July 2025 (8/CMA/4/48).
- In 2019 three planning applications (DM/19/01133/VOCMW, DM/19/01134/VOCMW and DM/19/01135/VOCMW) were submitted which proposed a revised method of working the Cold Knuckle escarpment and the relocation of an area of habitat creation by varying planning permissions MRA/4/1/(1), CMA/4/47 and CMA/4/48. These applications were agreed in 2020 but are subject to a legal agreement which is currently in preparation.

For your information I have attached the planning committee report from the 2012 permission and a map which shows the EIA Study area associated with that permission. To work any area outside the EIA Study area (but within the extent of the permission area) Tarmac would need to either submit an application for the periodic review of the existing planning permissions or submit a new planning application. Both would need to be accompanied by an EIA. A periodic review application could only relate to the

working of the limestone. The earliest date for first Periodic Review of planning permission MRA/4/1/(1) is 08/08/2027. Tarmac have advised us that they intend to submit a new planning application for the entire site including the northern area before that date in around 2023/24 for a combination of limestone (already permitted) and sand extraction with restoration via the importation of inert material. They have also advised us, "Tarmac as a responsible operator has internally assessed the working limits approved by its original planning permission MRA/4/1/(1) given the status of land within and surrounding the permission and likely constraints that would be applied were this to be a modern planning application, including applying stand offs from designated areas. The Reserve of 9.3mt quoted for the reduced working area takes into account these illustrative stand offs as shown on Plan 1. The stand offs are estimated to sterilise circa 8mt of dolomite."

As discussed, an allocation provides the Council with an opportunity to provide certainty to the operator as to where future sand working and inert waste disposal could be permitted, subject to an acceptable planning application being submitted which provided a suitable scheme of working for the overlying limestone (which is permitted) and the underlying sand, together with the site's restoration. If we were to allocate this site my intent would be to ensure that the associated policy seeks to provide sufficient safeguards to protect the important designated sites from adverse effects. Through any discussions with the operator associated with any future planning application we would also seek to resolve the status of limestone underlying the designated sites to prevent its working and safeguard those sites from adverse effects, but this would need to be undertaken most carefully to avoid any liability.

Should your response be positive, I will discuss your response with ecology colleagues and discuss the scope for an alternative allocation with Tarmac.

5 Email sent to Natural England 19 July 2022

Hi ,

Thank you for your telephone call this morning. As discussed, I have attached:

1) The revised draft of Policy MW1 which is the "General criteria for considering minerals and waste development" policy within the Minerals and Waste Policies and Allocations document.

As explained this policy has been significantly revised from what was published for consultation in the draft plan last September. This policy would apply to all proposals for minerals and waste. In terms of biodiversity the reasoned justification to Policy MW1 has

been rewritten to make clear that consideration of adverse impact should be in conjunction with relevant County Durham Plan Policy 40 (Trees, Woodlands and Hedges), Policy 41 (Biodiversity and Geodiversity), Policy 41 (Trees, Woodlands and Hedges), (Policy 42 (Internationally Designated Sites), and Policy 43 (Protected Species and Nationally and Locally Protected Sites). It includes policy criterion and supporting text in relation to biodiversity and geodiversity. In relation to the other matters you specifically raised, it also includes criterion and supporting text on water resources including the requirement for a hydrological and hydrogeological risk assessment and it also refers to the measures to prevent contamination and water pollution and derogation of water dependent features. Dust is also addressed in MW1 and in addition there is also a separate policy on Air Quality and Dust (not included but this is a development of MW4 Dust which was in the Draft Plan last September).

2) The revised policy for the Policy MW23 - Site Specific Allocation Northern Extension to Crime Rigg Quarry and the newly drafted Policy MW24 - Site Specific Allocation Inert Waste Disposal at Crime Rigg Quarry.

I am sending you these two policies so you can see how these two allocation policies and the supporting text are now structured and worded. If we proceed with an allocation at Quarrington North we could prepare something similar.

I am also sending you these two policies so you can see how each of them relate to each other. The approach I have taken has been to reflect our previous discussions and the advice you have provided as far as possible. Please note, following our discussions on Site W1 - Crime Rigg Quarry Waste Infilling and your email of 31 March which was based upon infilling of the quarry with inert waste, Breedon responded to an information request from us and provided some further details of what they are thinking at the quarry. Their response included a number of options for infilling including infilling to a low level within the eastern void and also infilling to restore to surrounding land levels. Through the wording and supporting text of Policy MW24 I have sought to provide flexibility to enable planning applications for both scenarios to be considered.

In addition, you will be able to see how I have now worded Policy M23 - Site Specific Allocation Northern Extension to Crime Rigg Quarry. Given that a planning application could come forward for the northern extension to Crime Rigg Quarry separately from a proposal for the infilling of inert waste within the existing quarry it has been worded on that basis, but the supporting text is clear at bullet 7 that, "However, given the geology of the site allocation and its location directly to north of the existing Crime Rigg Quarry Site of Special Scientific Interest (SSSI) it also has the potential to provide geological exposures which are comparable with the existing Crime Rigg Quarry SSSI. In accordance with Policy MW24 the acceptability of a planning application for further inert waste disposal within the void of the existing Crime Rigg Quarry (south of the B1283), which would have an adverse effect on Crime Rigg

Geological SSSI will be dependent upon the submission of sufficient geological, environmental and economic evidence to demonstrate the viability of the northern extension becoming the replacement geological SSSI, whilst at the same time demonstrating that comparable special interest features will be exposed within the allocation during the transition period (i.e., the landfill operations are concurrent with the new SSSI interest feature exposures).” In terms of Policy MW24 - Site Specific Allocation Inert Waste Disposal at Crime Rigg Quarry the heavy lifting is provided by criterion d) and bullet 4 of the supporting text.

As discussed, I would be happy to receive any observations you may have on draft MW1 and M23 and MW24 as they are now proposed to be worded.

I hope that is helpful and clear.

6 Email from Natural England 27 July 2022 received in response to email from the Council.

Hi

Hope you're well and thank you for sending the attached policies which I have reviewed. Please find my comments below regarding the allocation of the northern extension to Quarrington Quarry.

As discussed on our telephone call on 19th July 2022, Natural England feels that there is currently not enough evidence available to enable us to provide specific advice on an appropriate standoff/ buffer distance from Cassop Vale Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) to the northern quarry extension. It is more important to understand the impact of the quarry extension on the interest features of the designated sites.

The likely sensitive receptors within the designated sites are the magnesian limestone grassland and small calcareous flushes. Further information on the designated sites' interest features are available here . The potential impacts on the designated sites are:

Dust, nitrogen deposition and airborne pollutants

The designated sites' grassland is susceptible to nutrient enrichment from dust, nitrogen deposition and other airborne pollutants. Grassland and plants can become smothered which impacts on their photosynthetic ability. This can result in a loss of grassland to other species.

There would need to be an assessment of dust levels/ air quality submitted at the planning application stage. This requirement is stated in the attached NW1 policy and policy NW5. However, the Quarrington Northern Extension Policy could be strengthened by requiring the applicant to produce an air quality report/ model in line with APIS to ensure the critical load/level for the SSSI does not exceed 1%. This would help protect the interest features of the designated site.

Hydrological impacts - Natural England welcomes policy NW1 which states 'In accordance with the Council's planning validation requirements where appropriate, hydrological and hydrogeological risk assessments will be required in support of planning applications.' Such an assessment is particularly important for the proposed northern extension, as the designated sites' calcareous flushes need base rich water. The designated sites' interest features could be damaged or destroyed if the water supply is affected.

Vibrations from blasting and other quarrying activities - Blasting and ground vibrations can open fissures in the ground which poses a risk to the designated sites' interest features and people visiting the sites. Natural England welcomes Policy NW6 which details the need for a blasting and monitoring scheme to ensure there are no adverse impacts on the environment. The Quarrington Northern Extension Policy could be strengthened by requiring an impact assessment for blasting operations on designated site interest features and people visiting the sites.

Noise - People regularly visit Cassop Vale NNR and SSSI and increased noise levels could negatively impact their enjoyment of the sites. Natural England welcomes policy NW4. However, the Quarrington Northern Extension Policy could be strengthened by requiring a noise impact assessment to mitigate, where necessary, noise exceedances above the current baseline level.

Access - Access to the designated sites has been an issue in the past. The Quarrington Northern Extension Policy could be strengthened by ensuring access to the northern extension will be via the existing quarry.

7 - Durham County Council Email to National Highways 26 April 2022

Dear Mr

County Durham Draft Minerals and Waste Policies and Allocations Development Plan Document 2021

Thank you for your email and letter dated the 22 October 2021 which responded to the Council's consultation upon the above documents. Your comments were most helpful in our work to further develop the Minerals and Waste Policies and Allocations Development Plan Document. For your information, the Council's intention is to next consult on a Publication Draft Minerals and Waste Policies and Allocations Development Plan Document in the early Autumn. At that time, we will also be publishing a new

Statement of Consultation which details our response to all comment raised at the Draft Plan stage and a revised site assessment document which makes a final decision on all off the operator proposed allocations which were submitted in response to our call for new minerals and waste sites in early 2021. In addition, we will also be publishing an updated Sustainability Appraisal and Habitats Regulation Assessment Report.

We have now had an opportunity to review your comments and further discussions have been undertaken with colleagues in County Highways. Just to clarify our understanding is that National Highways are not objecting to the proposed allocations at Thrislington West Quarry (Policy MW23 - Site specific allocations at Thrislington West Quarry) or at the northern extension to Crime Rigg Quarry (Policy MW24 - Site Specific Allocation Northern Extension to Crime Rigg Quarry).

Q. Can you confirm that this is correct?

We would be grateful if you could consider our response to specific elements of your response as set out in the table below. As this will help clarify for us whether we need to undertake further work.

National Highways Comment	Durham Council Response
<p>It is important to assess the Minerals and Waste P&A against DfT (Department for Transport) Circular 02/2013, which makes several recommendations regarding the delivery of local plans. Section 12 of Circular 02/2013 stresses the importance of local plans incorporating measures to minimise trip generation at source, which can have environmental benefits and reduce costs arising from the impacts of traffic generation. Therefore, the Minerals and Waste P&A should robustly ensure that site allocation decisions take potential traffic generation into account.</p> <p>Sections 14 and 15 state that developments should be planned so as not to compromise the fulfilment of the primary purpose of the SRN, and that, in this case, National Highways will work in conjunction with DCC to understand the transport implications of development options, with regards to the capacity and safety of road links and junctions. National Highways will therefore seek to assess and appraise future minerals and waste site allocations with regards to their impacts on the SRN, as part of future planning application processes. Section 17 also explains how National Highways will work with DCC to identify opportunities for demand management measures, which may be necessary in</p>	<p>We consider that we have sought to understand traffic generation from the potential site allocations: Policy MW23 - Site specific allocations at Thrislington West Quarry and Policy MW24 - Site Specific Allocation Northern Extension to Crime Rigg Quarry. The traffic and transportation aspects of both proposed allocations have been considered in the Minerals and Waste Development Plan Document Site Assessments (September 2021) and are based upon an understanding of the permitted HGV movements associated with the existing planning permissions at both sites and intended levels of future mineral extraction/waste disposal, which are below recent historic levels. Accordingly, we are not intending to commission any additional transport work as part of the preparation of the Minerals and Waste Policies and Allocations document for these two sites. However, it is envisaged that Transport Assessments will be prepared to any future planning applications related to both of the proposed allocations.</p> <p>Regarding section 14, 15, 18 and 19 of Circular 02/13 we do not consider that these two site allocations both of which relate to extensions to existing operational minerals/waste sites would impact on the capacity and safety of road links and junctions associated with the SRN. Similarly, we are not aware of any need for capacity enhancements to deliver these two allocations within the Minerals and Waste Policies and Allocations document and are currently satisfied that the traffic and transportation merits of both allocations are acceptable. We are also of the view that if further sites are allocated within the Publication Draft Plan (see below) that given the volumes of traffic carried by the SRN on a daily basis, that we do not consider that any of the individual site allocations site (or even the</p>

this context due to the large volumes of HGV traffic associated with minerals and waste sites

Finally, sections 18 and 19 set out how, in this case, National Highways will work with DCC to consider capacity enhancement where necessary, in order to facilitate relevant developments and mitigate their impact on the SRN. If a potential capacity need is identified, National Highways will assist in providing a comprehensive review of the scheme's viability in conjunction with DCC

Further Information: National Highways would request that further information is provided regarding traffic management plans and the specific impacts of future minerals and waste site operations on the surrounding road network (i.e., site-specific transport assessments or operational management plans). Such information would help both National Highways and DCC to make more informed decisions regarding the strategic need for future minerals and waste site allocations, as well as their impacts on both local roads and the SRN.

cumulative impact of traffic from a number of them) would trigger the need for any sort of physical mitigation on the SRN. However, we are conscious that if National Highways thought that it did, further work and mitigation should be presented upfront as evidence to support the plan. On this basis we would welcome if you could identify any specific concerns that you may have and explain to us how you would like us to go about establishing what any potential mitigations might be, or amend/withdraw these comments.

Should the sites identified within the Draft Plan at Thrislington West Quarry (Policy MW23 - Site specific allocations at Thrislington West Quarry) or at the northern extension to Crime Rigg Quarry (Policy MW24 - Site Specific Allocation Northern Extension to Crime Rigg Quarry) be allocated or any other site a Transport Assessment will be required to be submitted with any future planning application in accordance with Policy MW7 (Traffic and Transport). The request for scoping discussions are noted at the planning application stage.

Further Potential Allocations

Your letter stated, “We would request that National Highways is notified by DCC regarding future site allocations that are either in the vicinity of the SRN or are likely to generate trips on the SRN, so that National Highways can prepare and provide formal responses to be submitted during any relevant planning application processes”. Your letter also stated, “National Highways requests notification of any future significant site allocations so that further site-specific consultation can be conducted if necessary”.

Through work to prepare the Publication Draft Minerals and Waste Policies and Allocations Document the Council will make a final decision on three site allocations:

1. Old Quarrington and Cold Knuckles Quarry - This is Site M8/W2 Cold Knuckle Magnesian Limestone and inert infill in the site assessment document.
2. Old Quarrington Quarry (Northern part of Quarry) – This is Site M9/W3 Old Quarrington Quarry (Northern part of Quarry) in the site assessment document.
3. Crime Rigg Quarry (inert infilling in eastern part of Quarry) – This is Site W1 - Crime Rigg Quarry Waste Infilling in the site assessment document.

Subject to further assessment there is a possibility that the sites listed at bullet 1 and 3 may be allocated within the Minerals and Waste Policies and Allocations Document. Site 2 is a site which we still do not favour and would resist allocating. We have assessed the access and traffic element of both sites (bullet 1 and 3) and extracts from our site assessment document are set out below. Should these sites be allocated and confirmed by the Local Plan Inspector who is appointed to examine the Minerals and Waste Policies and Allocations Document these allocations would in effect constitute a continuation of the existing minerals and waste operations which occur at these sites but for an extended period of time.

Site M8/W2 Cold Knuckle Magnesian Limestone and inert infill	Access to the quarry is off the A688 Wheatley Hill to Bowburn link road and along a surfaced haul road. When planning permission was last granted at this quarry in 2012 it was reported that “current vehicle movements to the quarry were approximately 100 per day (50 in 50 out) and that there were currently no restrictions on vehicle movements. It was also estimated that average total HGV movements would be 242 (116 in/116 out) approximately split between outgoing mineral traffic and incoming vehicles bringing in inert fill”. Subject to the traffic and transportation impacts of the proposed development being compatible with the
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	<p>existing operations, traffic impacts on the local and strategic highway network should be acceptable but this would need to be confirmed through any future planning application if the site were to be allocated. Highway issues relating to the sheeting of vehicles leaving the site, provision of wheel washes, maintenance of haul roads and cleanliness of the adjacent highway would need to be controlled by planning conditions.</p>
<p>Site W1 - Crime Rigg Quarry Waste Infilling</p>	<p>The previous assessment of the proposal for a northern extension to Crime Rigg Quarry undertaken by the Council in 2018 reported that HGVs would access directly onto the B1283 trunk road which runs alongside the proposed site and that the average daily HGV movements would be 100 vehicles (50 in and 50 out). The existing access is a suitably engineered access and could accommodate 100 vehicles (50 in and 50 out). In this respect 100 vehicles (50 in and 50 out) is comparable with the level conditioned with the existing planning permissions (condition 15 of CMA/4/56 and CMA/4/57 relates to an average number of vehicles of no more than 660 per week when averages over a four-week period). Breedon are proposing the concurrent working of the existing quarry with sales in line with current and below historic levels and a continuation of tipping all operations which are served by the existing access. Provided that future traffic movements would be similar to existing permissions which can be accommodated by the existing access it is considered that this volume of traffic would likely to be acceptable and should be able to be safely accommodated on the local highway network without any discernible environmental or amenity impacts on the surrounding road network but this would need to be confirmed through any future planning application if the site were to be allocated. Highway issues relating to the sheeting of vehicles leaving the site, provision of wheel washes, maintenance of haul roads and cleanliness of the adjacent highway would need to be controlled by planning conditions.</p>

I would be grateful if you could consider the matters raised above and if at all possible, provide a response to us by the 9 May. I would also be happy to discuss this matter with you and our timescales should you need further time to consider these matters.

8 - National Highways – Letter of 9 May 2022 received in response to email from the Council.

Dear

County Durham Minerals and Waste Policies and Allocations Development Plan

Durham County Council [DCC] has provided the latest version of the site assessments associated with its Minerals and Waste Policies and Allocations Document Draft Plan [‘Minerals and Waste P&A’], following National Highways’ previous review of the Minerals and Waste P&A and associated site assessments in October 2021.

We have therefore reviewed the latest documentation and would offer the following comments with regards to impacts on the Strategic Road Network [SRN].

Overview of the SRN within County Durham

The SRN within County Durham comprises the following routes:

- The A1(M) provides a north-south link through the east of the county ultimately connecting the south of England with the Scottish border;
- The A19 provides a north-south link through the county; and
- The A66 provides an east-west link to the A1(M) to Workington on the west coast.

It is therefore crucial that the Minerals and Waste P&A ensures that future minerals and waste development sites do not hinder the safe and efficient operation of these elements of the SRN, which is the primary concern of National Highways.

Overview of Relevant Policy Documents

As noted within our previous response, the Minerals and Waste P&A should be assessed against DfT Circular 02/2013, which makes several recommendations regarding the delivery of local plans.

Section 12 of Circular 02/2013 stresses the importance of local plans incorporating measures to minimise trip generation at source, which can reduce costs arising from the impacts of traffic generation. Therefore, the Minerals and Waste P&A should robustly ensure that site allocation decisions take potential traffic generation into account.

Sections 14 and 15 state that developments should be planned so as not to compromise the fulfilment of the primary purpose of the SRN, and that, in this case, National Highways will work in conjunction with DCC to understand the transport implications of development options, with regards to the capacity and safety of road links and junctions. National Highways will therefore seek to assess and appraise future minerals and waste site allocations with regards to their impacts on the SRN, as part of future planning application processes. Section 17 also explains how National Highways will work with DCC to identify opportunities for demand management measures, which may be necessary in this context due to the large volumes of HGV traffic associated with minerals and waste sites.

Finally, sections 18 and 19 set out how, in this case, National Highways will work with DCC to consider capacity enhancement where necessary, in order to facilitate relevant developments and mitigate their impact on the SRN. If a potential capacity need is identified, National Highways will assist in providing a comprehensive review of the scheme's viability in conjunction with DCC.

Overview of National Highways' Previous Response

National Highways previously agreed that the Minerals and Waste P&A should be applied alongside other DCC documents governing relevant transport issues (as listed in section 5.28 of the Minerals and Waste P&A), so as to minimise potential impacts on the local road network and SRN.

Within National Highways' previous response, two specific site allocations were also reviewed in detail – namely, the sites at Thrislington West Quarry and Crime Rigg Quarry, with particular consideration towards information given on pages 66-74 and 30-39 of the supporting document 'Minerals and Waste DPD Site Assessments'.

With regards to the site at Thrislington West Quarry, National Highways noted that the provision of a formal transport assessment was required as part of the planning application process for extension of the site. In this regard, National Highways' position remains unchanged from our previous response.

With regards to the site at Crime Rigg Quarry, National Highways requested the provision of a formal transport assessment in order to further review the impacts of any future site development on the SRN. Again, National Highways' position again remains unchanged from our previous response.

Moreover, we also requested that further information is provided regarding traffic management plans and the specific impacts of any other future minerals and waste site operations on the surrounding road network (i.e. site-specific transport assessments or

operational management plans). Such information would help both National Highways and DCC to make more informed decisions regarding the strategic need for future minerals and waste site allocations, as well as any impacts on the SRN. However, it should be noted that the outcome of any future transport assessments or other relevant documents may influence DCC's Infrastructure Delivery Plan.

Summary of Latest Documentation

We note Section 5.71 of the Minerals and Waste P&A, which states the following:

“Heavy Goods Vehicle (HGV) traffic associated with minerals and waste developments ... can cause adverse impacts on highway safety, ... HGVs also have an impact on the strategic, primary and local road network in terms of capacity and levels of congestion.”

We would also note Section 5.72, which states:

“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”

With regards to the above, we would state that the assessment of potential impacts and the associated necessity of mitigation measures as a result of HGV traffic serving minerals and waste sites is of paramount importance when allocating sites. We would therefore request that transport assessments are provided as part of either future site allocations or planning applications associated with said site allocations. This is in line with Section 5.77, which states:

“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.”

As noted, above, the outcome of any future transport assessments may influence DCC's Infrastructure Delivery Plan.

Response to Issues Raised by DCC

National Highways notes that DCC have requested clarification on several points, following the previous consultation response issued by National Highways in October 2021. These points have therefore been considered in turn below.

Firstly, National Highways has no objection to the proposed allocations at Thrislington West Quarry or Crime Rigg Quarry in principle, provided that the information contained within the Minerals and Waste P&A is accurate. Notwithstanding this, we would continue to request that formal transport assessments are provided for review as part of any future planning applications, so that we are able to provide a formal consultation response.

Furthermore, we note that DCC has offered its own assessment of the Thrislington West and Crime Rigg sites against the sections of DfT Circular 02/2013 which were cited in National Highways' previous response (and are detailed above). Having also reviewed the information afforded on the two sites within the Minerals and Waste P&A against DfT Circular 02/2013, we would offer the following comments.

Despite the fact that both allocations relate to extensions of existing operational minerals/waste sites, there would nonetheless be some level of impact on the capacity and safety of road links and junctions associated with the SRN. Therefore, the site allocations should consider the *minimisation* of trip generation at source (rather than simply the *understanding* of trip generation), although we partly agree with DCC insofar that the levels of traffic associated with the sites and their distance from the SRN do not necessarily mean that the operation of the SRN will be compromised.

Moreover, although SRN junction or mainline capacity enhancements may not be necessary in order to deliver the two site allocations, we would nonetheless appreciate the opportunity to formally review trip generation and distribution in response to a formal transport assessment for each of the sites.

Finally, although National Highways notes DCC's assertion that either any individual site allocation or the cumulative impacts of multiple site allocations would not necessitate mitigation measures with regards to the safe and efficient operation of the SRN, we are mindful of the impacts of other developments within the County Durham area that could also impact upon the SRN. As noted above, we would request that formal transport assessments are produced for the Thrislington West and Crime Rigg sites (as well as any other site allocations being brought forward) so that the trip generation and distribution impacts can be formally assessed. The outcome of any such transport assessments may also influence DCC's Infrastructure Delivery Plan.

Additional Sites

We note that DCC have provided details of three further potential allocations, as follows:

- Site M8/W2 – Old Quarrington and Cold Knuckles Quarry

- Site M9/W3 – Old Quarrington Quarry (Northern part of Quarry)
- Site W1 – Crime Rigg Quarry (inert infilling in eastern part of Quarry)

We also note the following associated correspondence from DCC:

“Should these sites be allocated and confirmed by the Local Plan Inspector who is appointed to examine the Minerals and Waste Policies and Allocations Document these allocations would in effect constitute a continuation of the existing minerals and waste operations which occur at these sites but for an extended period of time.”

National Highways notes the site traffic and access information provided for Sites M8/W2 and W1, although we note a mathematical error related to Site M8/W2, where DCC state that “average total HGV movements would be 242 (116 in/116 out)”. Although such information acts as a useful starting point, we would again request that formal transport assessments are provided for review by National Highways as part of any formal planning application processes related to the sites. As noted above, the outcome of any such transport assessments may influence DCC’s Infrastructure Delivery Plan.

9 Letter to Environment Agency 25 April 2022

Dear

County Durham Draft Minerals and Waste Policies and Allocations Development Plan Document and Draft Sustainability Appraisal September 2021

Thank you for your letter dated the 4 November 2021 which responded to the Councils consultation upon the above documents. Your comments were most helpful in our work to further develop the Minerals and Waste Policies and Allocations Development Plan Document. Thank you also for the confirmation of support that you have provided upon many aspects of the Minerals and Waste Policies and Allocations Development Plan Document. For your information, our intention is to reconsult on a Publication Draft Minerals and Waste Policies and Allocations Development Plan Document in the early Autumn. At that time, we will also be publishing:

- A new Statement of Consultation which details our response to all comment raised

- A revised Site Assessment document which makes a final decision on all off the operator proposed allocations which were submitted in response to our call for new minerals and waste sites in early 2021;
- An updated Sustainability Appraisal and
- An updated Habitats Regulation Assessment Report.

As part of work to prepare the Publication Draft Minerals and Waste Policies and Allocations Development Plan Document we have reviewed your comments and would be grateful if, in line with your invitation in your letter, you could provide answers to a number of questions related to waste and in particular landfilling.

Chapter 8 (Waste)

We note that your letter states that you “are happy that Chapter 8 references the requirement for detailed assessment of the risks posed by waste sites, especially to the underlying groundwater.” Thank you for this confirmation. Page 5 of your letter went on to state, “This has meant that many limestone quarries are now below the water table and would be unsuitable for landfill”.

Q1. Are you able to advise which parts of the East Durham Limestone Plateau and other parts of the County and specifically which quarries on the East Durham Limestone Plateau that you would consider would be ‘unsuitable’ for landfill?

Q2. In your view would this ‘unsuitability’ be for both inert and non-inert landfills?

Currently within County Durham there are three operational inert landfills (L05 Inert Landfill). These are at Bishop Middleham Quarry, Old Quarrington Quarry and at Crime Rigg Quarry. All three are licensed to accept only inert construction and demolition waste and are also active quarries. A fourth sites Aycliffe Quarry Landfill is licensed to accept non-hazardous waste and is also licensed to accept some types of hazardous waste in a specially constructed waste cell (L02 - Non-Hazardous with SNRHW8 Cell). A fifth site known as Joint Stocks Quarry Landfill is licensed as a non-hazardous landfill (L04 – Non-Hazardous) site but is now closed and is being restored using soils and inert construction and demolition waste.

Q3. Would you consider that Bishop Middleham Quarry, Old Quarrington and Cold Knuckles Quarry and Crime Rigg Quarry would now be unsuitable for further inert waste disposal and if so, why? In particular we would welcome sight of specific evidence which would demonstrate their unsuitability for further landfilling.

Chapter 10 (Potential Non-Strategic Minerals and Waste Allocations)

We understand from your comments that the Environment Agency is not objecting to the two proposed allocations at Policy MW23 (Site specific allocation at Thrislington West Quarry) and Policy MW24 - Site Specific Allocation Northern Extension to Crime Rigg Quarry.

We note your letter stated, “If, in future, old sites such as Hummerbeck are to be considered it may be beneficial to seek initial comments on any environmental concerns and/or opportunities before any allocations are progressed”. For your information, in considering site allocations when the Plan was drafted, we considered comments provided by the Environment Agency to the Council in October 2016 on minerals allocations which were submitted for the County Durham Plan which included a number of the sites which were resubmitted following our call for new minerals and waste sites in 2021.

When we consulted on the Draft Plan, we sought views from statutory consultees on both the provisions of the draft plan and upon the potential allocations which have been submitted by minerals and waste operators which had not been allocated. However, we note that no specific comments were provided upon any of the other operator proposed sites which were submitted in response to our call for new minerals and waste sites in early 2021. These were set out in the “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). I have reattached a copy of this report. Paragraph 1.18 of the draft plan also advised that “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?’ and a letter was sent out. Should you wish to do so we would welcome hydrogeology related comments on all of the proposed site allocations.

Waste Allocations still being considered by the Council

Our approach, should we seek to allocate any site for landfilling (or mineral extraction) within the Minerals and Waste Policies and Allocations Document would be for a detailed hydrological and hydrogeological risk assessments will be required to support minerals and waste planning applications. In this regard we note that comments have been provided supporting both Policy MW1 and MW21 within the draft Minerals and Waste Policies and Allocations Document.

Your letter stated, “Given the high-risk nature of the groundwater at the Thrislington and Crime Rigg quarries, we are pleased to see there is no allocation to allow landfilling to occur”. As detailed the “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)” no proposals were

submitted for landfilling at Thrislington Quarry but a proposal was received from Breedon for further inert landfilling at Crime Rigg Quarry, within the eastern part of the quarry, (Site W1 - Crime Rigg Quarry Waste Infilling). The Council now needs to make a final decision on the allocation of this site.

Q4. We would be grateful if you could provide comments upon the acceptability of further inert landfilling at Crime Rigg Quarry? (Site W1 - Crime Rigg Quarry Waste Infilling).

Q5. We also received proposals for inert landfilling at:

- Old Quarrington and Cold Knuckles Quarry - This is Site M8/W2 Cold Knuckle Magnesian Limestone and inert infill in the site assessment document.
- Old Quarrington Quarry (Northern part of Quarry) – This is Site M9/W3 Old Quarrington Quarry (Northern part of Quarry) in the site assessment document
- Eldon Quarry (this is Site M11/W4 Eldon Quarry Minerals / Waste) this is Site M11/W4 Eldon Quarry Minerals / Waste in the site assessment document.

We have already stated that we do support an allocation at Eldon Quarry, however, we now need to make a final decision on the allocation of the other sites. We would be grateful if you could provide comments upon the acceptability of

- Site M8/W2 Cold Knuckle Magnesian Limestone and inert infill; and
- Site M9/W3 Old Quarrington Quarry (Northern part of Quarry).

Waste

Thank you for confirming that you consider “Policies MW18 (Inert waste ‘other recovery’), MW19 (Inert Waste Disposal via landfill) and MW20 (Non-Hazardous Landfill) of the draft plan appropriately align with our permitting principles and requirements.”

Water resources

Thank you for confirming that you are “in support of Policy MW21 (Water Resources), which requires development that could adversely affect quality or quantity of surface or groundwater to demonstrate no unacceptable impact on water resources for both the site and surrounding area and ensures protection to water bodies throughout the whole lifecycle of the development”.

I would be grateful if you could consider the above questions and if at all possible, provide a response to us by the 9 May. I would also be happy to discuss these questions with you. If you would like to do this, please contact me by email or by telephone on 03000 xxx xxx.

Yours sincerely

10 Letter from Environment Agency 26 May 2022

Dear

County Durham Draft Minerals and Waste Policies and Allocations Development Plan Document and Draft Sustainability Appraisal September 2021

Thank you for your letter in respect of the above policy document dated 25 April 2022.

In response to your letter, please find below our comments:

Chapter 8 (Waste)

In our previous response (within section titled Chapter 8 Waste) we highlighted that groundwater levels across the Magnesian Limestone aquifer have risen substantially since the 1970s and stated that “This has meant that many limestone quarries are now below the water table and would be unsuitable for landfill”. However, this statement should have read as “This has meant that many limestone quarries are now below the water table and would potentially be unsuitable for landfill.”

Groundwater Levels at Bishop Middleham Quarry Our understanding is that groundwater levels at Bishop Middleham were historically below the base of the quarry/landfill, and this would have been the case when the current landfill permit for inert waste was issued. As a result of overall increasing groundwater levels around Bishop Middleham and changes in dewatering at Thrislington Quarry, Bishop Middleham Quarry/Landfill is now likely to be impacted by higher groundwater levels – the implications of this would need to be assessed as part of any new planning application or a review of existing permissions.

Risk to controlled waters at new waste sites For any new waste sites (including extensions) that lie on the Magnesian Limestone principal aquifer, within a designated groundwater Source Protection Zone (SPZ) and/or where waste is proposed to be deposited in cells below the water table, the applicant will have to provide sufficient evidence as part of a planning application to demonstrate that risks to controlled waters (including groundwater) are low or can be suitably mitigated during and post operation. It is more

likely that non-inert sites will be unsuitable as groundwater risks posed at some sites may be too great to suitably mitigate – this is most likely to be the case at some sites, including Thrislington Quarry.

Proposed landfill sites The Environment Agency’s approach to groundwater protection (<https://www.gov.uk/government/publications/groundwater-protection-position-statements>, Statement E1 Landfill Location) states that “the Environment Agency will normally object to any proposed landfill site in groundwater SPZ1. For all other proposed landfill site locations, a risk assessment must be conducted based on the nature and quantity of the wastes and the natural setting and properties of the location. Where this risk assessment demonstrates that active long-term site management is essential to prevent long-term groundwater pollution, the Environment Agency will object to sites: • below the water table in any strata where the groundwater provides an important contribution to river flow, or other sensitive receptors • within SPZ2 or 3 • on or in a principal aquifer” We would always recommend operators engage with us about new proposals at the earliest opportunity. For information – this year we are commencing a review of our designated groundwater Source Protection Zones (SPZs). A couple of the existing zones will be removed as the abstractions are no longer operational; these are mainly in north of the Magnesian Limestone around Ryhope and Sunderland. Other zones are known to be too small and will be extended, particularly to the north and south; this is likely to include the SPZs covering Thrislington and the Bishop Middleham area. The work is expected to take a couple of years to complete as SPZs across all aquifers are to be reviewed. We can provide updated zones for the Magnesian Limestone once they have been finalised.

If you have any questions in respect of the above, please do not hesitate to contact me.

Yours sincerely

If you require any further information on this document, please contact the Spatial Policy Team: Telephone: 03000 260000 Email: Spatialpolicy@durham.gov.uk Post: 'FREEPOST Spatial Policy' (please note no further information is required).

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