

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The site

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

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

The proposals

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

Proposed Extension

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

Proposed scheme of working

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

Soil stripping and storage

12. The relatively shallow depth of soils on this area of escarpment have shown there to be no material difference between overburden and subsoil and it is therefore proposed that this material is stripped and stored as a single entity. Soils would be stripped in sequential strips using an excavator with a flat bladed bucket, in accordance with the MAFF Soil Handling Guide. Stripping would be carried out during the period of April to October when the ground is firm enough to carry the weight of machinery without undue risk of soil structure damage through compaction and smearing of wet soil. Soils would only be handled outside of this period with the prior approval of the Mineral Planning Authority.
13. Soils would be stored in four screening mounds on the northern site boundary of the proposed extension corresponding with the phase of working. One mound S1 would be constructed during Phase 1, two during phase 3 (split due to landscape features) and the fourth during phase 3. The mounds would all be approximately 3m in height and would be seeded to minimise erosion with the northern side planted with trees and shrubs in the first planting season following their formation to aid screening.

Working hours

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

Traffic and access

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

Restoration

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

Aftercare

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

Variation of condition application

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

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

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

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

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

38. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
39. *NPPF Part 13 – Facilitating the sustainable use of minerals* – Advises that minerals are recognised as being essential to support sustainable economic growth and our quality of life noting that it is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. Advises that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates, including by preparing a Local Aggregate Assessment and making provision for the maintenance of landbanks of at least 10 years for crushed rock, whilst ensuring the capacity of operations to supply a wide range of materials is not compromised. In determining planning applications for minerals development there are a number of matters to take into account. These matters include giving great weight to the benefits of the mineral extraction including to the economy; ensuring that there are no unacceptable adverse impacts on the natural environment and human health, taking into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality, and providing through condition for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

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

40. Accompanying the NPPF the Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This provides planning guidance on a wide range of matters. Of particular relevance to this development proposal is the practice guidance with regards to mineral development and their working and restoration and the principal environmental issues of minerals working that should be addressed by mineral planning authorities and the review of minerals planning conditions.

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

LOCAL PLAN POLICY:

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

41. *Policy M1 – Maintenance of Landbanks* – Advises that a landbank of 10 years supply of crushed aggregate shall be retained for the life of the plan.
42. *M3 – Extensions to mineral workings* – specifies that extensions to mineral workings will be allowed under allocations made in specific policies and subject to specific criteria set out in a number of policies including M23 (Areas of High Landscape Value). Additionally, extensions to existing workings will be permitted provided that, they meet a number of criteria including that they do not have a material impact upon landscape, ecology and other features of nature conservation interest and will have no other significant adverse impacts.
43. *Policy M22 – Areas of Outstanding Natural Beauty* – seeks to restrict mineral development within or adjacent to the North Pennines AONB except in exceptional circumstances and where one or more of a number of criteria apply including, it is an extension to an existing mineral working (in accordance with Policy M3).

44. *Policy M23 – Areas of High Landscape Value* – States that proposals for mineral working in Areas of High Landscape Value will be given the most careful consideration. Proposals will only be allowed where the environmental impact on the special character and quality of the landscape is acceptable, or can be made so by planning conditions or obligations and, in the case of non-energy minerals, there is a need for the mineral which cannot be met from alternative sites or sources elsewhere or it is an extension to an existing mineral working (in accordance with Policy M3)..
45. *Policy M24 – Local landscapes* – requires that the scale of any adverse effects on local landscape character from minerals development is kept to an acceptable minimum and conserves as far as possible important features of the local landscape. It also requires that restoration schemes have regard to the quality of the local landscape and provide landscape improvements where appropriate.
46. *Policy M29 – Conservation of nature conservation value* – requires all proposals for minerals development to incorporate appropriate measures to ensure any adverse impact on the nature conservation interest of the area is minimised.
47. *Policy M30 – Listed buildings/Conservation areas* – states that planning permission for mineral development will not be permitted where this would have an unacceptable adverse impact on listed buildings, conservation areas, or their settings.
48. *Policy M31 – Archaeological field evaluation* – relates to archaeology and the need for archaeological field evaluation prior to the determination of planning permission where there is reason to believe that important archaeological remains may exist.
49. *Policy M32 – Archaeological remains* – states that where nationally important archaeological remains, whether scheduled or not, and their settings are affected by a proposed mineral development there will be a presumption in favour of their preservation in situ. Proposals for mineral development that would have a significant adverse effect on regionally important remains will only be permitted where no other suitable locations are available; or where there is an overriding need for mineral which outweighs the requirement for physical preservation.
50. *Policy M33 – Recording of Archaeological remains* - states where the preservation of archaeological remains in situ is not appropriate planning permission will not be granted unless satisfactory provision has been made for the excavation and recording of the remains.
51. *Policy M34 – Agricultural land* – states that mineral development which affects or is likely to lead to the loss of 20 or more hectares of the best and most versatile land (Agricultural Land Classification Grades 2 and 3a) will not be permitted unless there is no overall loss of agricultural land quality following restoration; or there is a need for the mineral which cannot be met from suitable alternative sources on lower quality agricultural land.
52. *Policy M35 – Recreational Areas and Public Rights of Way* – Mineral development that would have an unacceptable impact upon the recreational value of the countryside , and in particular facilities such as paths and other public rights of way will not be permitted unless there is a need for the mineral which cannot be met from suitable alternative sites or sources.
53. *Policy M36 – Protecting local amenity* – requires the incorporation of suitable mitigation measures to ensure potentially harmful impacts from pollution by noise,

vibration, dust and mud, visual intrusion, traffic and transport, subsidence, landslip and gaseous emissions are reduced to an acceptable level.

54. *Policy M37 – Stand off distances* - states that unless it can be demonstrated that the amenity of local communities can otherwise be protected from the adverse impacts of mineral working, mineral development will not be permitted where the extraction or associated activities are within 250 metres of a group of 10 or more dwellings
55. *Policy M38 – Water Resources* – states that if a proposal for mineral development would affect the supply of, or cause contamination to, underground, or surface waters, it should not be permitted unless measures are carried out as part of the development to mitigate those impacts throughout the working life of the site and following final restoration
56. *Policy M42 – Road traffic* – states that mineral development will only be permitted where the traffic generated can be accommodated safely and conveniently on the highway network and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
57. *Policy M43 – Minimising traffic impacts* – requires that planning conditions should be imposed, and planning obligations or other legal agreements sought, to cover a range of matters such as routeing of traffic to and from the site, highway improvements or maintenance, prevention of the transfer of mud and dirt onto the public highway and operating hours of lorry traffic to and from the site.
58. *Policy M45 – Cumulative Impact* - – requires that when considering proposals for mineral development the cumulative impact of past, present and future workings must be considered and states that planning permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of the Plan.
59. *Policy M46 – Restoration conditions* – indicates that conditions will be imposed, planning obligations or other legal agreements sought as necessary to cover a range of issues relating to the satisfactory restoration of minerals sites.
60. *Policy M47 – After uses* – provides advice in relation to proposals for the after use of mineral sites.
61. *Policy M50 – On site processing* – where planning permission is required, minerals processing and manufacturing plant, and other developments ancillary to mineral extraction, will be permitted within the boundaries of mineral extraction sites subject to certain criteria.
62. *Policy M52 – Site management* – states that when considering planning applications for mineral development the ability and commitment of the intended operator to operate and reclaim the site in accordance with an agreed scheme will be taken into account.

TEESDALE LOCAL PLAN (2002) [TLP] POLICY:

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

EMERGING POLICY:

The County Durham Plan (CDP)

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

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

INTERNAL CONSULTEE RESPONSES:

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

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

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

PUBLIC RESPONSES:

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

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

APPLICANTS STATEMENT:

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

The above represents a summary of the comments received on these applications. The full written text is available for inspection on the application files which can be viewed at:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of the development

Extension proposal

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

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

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

Variation of condition application

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

Residential Amenity

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

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

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

Noise

97. Government guidance (as contained in the PPG, which reaffirms advice contained in the now withdrawn Technical Guidance to the NPPF) advises that during normal working hours (0700 – 1900) and subject to a maximum of 55dB(A) $L_{Aeq}1h$ (free field), mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that where this will be difficult to achieve without imposing unreasonable burdens on the mineral operator, the limit set should be as near to that level as practicable. During the evening (1900 – 2200) limits should not exceed background level by 10dB(A). During the night limits should be set to reduce to a minimum any adverse impacts, without imposing any unreasonable burdens on the mineral operator, but should not exceed 42dB(A) $L_{Aeq}1h$ (free field) at noise sensitive properties.
98. The PPG also recognises that mineral operations will have some particularly noisy short term activities that cannot meet the limits set for normal operations. These include soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. PPG advice is that increased temporary daytime noise limits of up to 70dB(A) $L_{Aeq}1h$ (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered in order to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is expected to take longer than 8 weeks a lower limit over a longer period should be considered and in wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits.

99. The proposal to import soils for restoration purposes to the site would involve the backhaul of vehicles already travelling to the site and would therefore integrate into normal working and would not create additional noise. Operations to infill the former quarry and grade the northern screening mound may cause a degree of additional noise but this would be covered with short term operations exception as detailed below.
100. The applicant has submitted a noise action plan in support of the application that includes a noise monitoring protocol and mitigation measures. The noise assessment has provided background noise levels for East Roods (55dB(A) L_{Aeq} 1h), Kilmondwood Farm (50dB(A) L_{Aeq} 1h), Jock House 48dB(A) L_{Aeq} 1h) and West Roods (49dB(A) L_{Aeq} 1h). Based on the plant to be used and working methods the assessment has predicted that worst case noise levels for routine operations would be 51dB(A) L_{Aeq} 1h at East Roods during Phase 3, 52dB(A) L_{Aeq} 1h at Kilmondwood Farm during Phase 3, 40dB(A) L_{Aeq} 1h at Jock House during Phase 1 and 51dB(A) L_{Aeq} 1h at West Roods during Phase 2. This demonstrates that for routine operations the maximum predicted increase noise levels from routine operations would be 2dB(A) and all within 55dB(A) L_{Aeq} 1h. The predicted worst case noise levels would be 42dB(A) L_{Aeq} 1h at East Roods, 37dB(A) L_{Aeq} 1h at Kilmondwood Farm, 33dB(A) L_{Aeq} 1h at Jock House and 53dB(A) L_{Aeq} 1h at West Roods. The predicted levels for short term operations would therefore be well within the recommended limit of 70dB(A) L_{Aeq} 1h.
101. The Planning Practice Guidance does not provide guidance on appropriate noise levels for recreation areas. Previous Government Guidance (MPG11) recommended a noise level of 65dB L_{eq} ,1hr during the working day. The submitted noise assessment does not assess noise levels on the footpaths around the site but it is likely that the noise levels would be below this level. Given there is no limit specified in the NPPG and measures would be put in place to mitigate noise levels from the site, it is not necessary for such an assessment to be undertaken. It is therefore considered that the impact of noise from the proposed development would not have an unacceptable impact upon the recreational value of the countryside, and the proposal would not conflict with MLP Policy M35.
102. Environmental Health officers have considered the assessment to be acceptable and with the noise control measures proposed have raised no objections. Conditions will ensure that mitigation measures are in place, noise levels set and regular monitoring carried out. It is therefore considered that the proposed scheme would accord with MLP Policies M36 and M50 (considered consistent with the NPPF and therefore afforded appropriate weight) and Paragraphs 123 and 144 of the NPPF.

Air Quality and dust

103. Mineral sites give rise to dust issues and it is accepted that the generation of dust can only be minimised and controlled rather than eradicated. The impact would depend on wind speed, the degree of rainfall and surface topography. The PPG sets out five stages for carrying out a dust assessment that would provide useful ways of mitigating dust from mineral development. These are to establish baseline conditions, identify activities that could lead to dust emissions, identify site parameters that may increase potential impacts.
104. An air quality and dust assessment has been carried out as part of the scheme and submitted in support of the applications. The assessment has identified baseline conditions including potentially sensitive receptors, existing dust sources, typical dust levels, topography of the site and meteorological conditions. The assessment has also considered the potential impacts including soil stripping, drilling and blasting, mineral extraction, on site haulage, crushing and screening, erosion from bare ground

and stockpiles and loading and off site haulage; evaluation of the impacts on upon the nearest receptors, and; mitigation proposals.

105. The assessment concludes that without the use of mitigation measures it is predicted that dust effects could occur at sensitive receptors within the vicinity of the site, however, due to the distances from working areas and properties most of the dust would be deposited naturally before becoming an issue. In order to mitigate the dust effects and dust action plan has been submitted which details mitigation measures such as dust suppression, soil mound seeding, reduced drop heights, sheeting of vehicles and internal haul road speed limits. The dust action plan also provides a scheme for dust monitoring.
106. Environment, Health & Consumer Protection officers have considered the submitted assessment, proposed dust control measures and have raised no objections. The objection from South Flatts. Conditions are proposed to ensure that mitigation measures are in place and regular monitoring carried out. It is therefore considered that the proposed extension and associated variation of conditions application would accord with MLP Policies M36 and M50 with Paragraphs 123 and 144 of the NPPF.

Blasting

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

Residential amenity summary in relation to noise and dust

111. There is potential for some disturbance to the residents of neighbouring properties and to users of the local footpath network during mineral extraction and restoration works. In response to the concerns raised by the resident of South Flatts monitoring would take place prior to commencement of the extension and the data used to inform the noise and dust action plans required through condition. However, having assessed the impact of the proposed development on residential amenity in terms of noise, dust and blasting it is considered that the potential impacts can be controlled through conditions setting limits and requirements to mitigate any adverse effects. The

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

Landscape and visual impact

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

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

Biodiversity interests

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

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

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

Access and traffic

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

Public Rights of Way

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

Hydrology

128. A hydrological and hydrogeological assessment has been submitted as part of the ES in support of the application. The assessment considers baseline data and the potential effects on groundwater and surface water arising from the proposed extension. The assessment concludes that the proposed development would accord with planning policies and would not impact upon ground or surface water quality.
129. The site is not within the vicinity of any controlled watercourses, or within Flood Risk Zones 2 or 3. The Environment Agency has considered the proposal and has not raised any concerns but has requested that conditions be imposed to prevent dewatering or interrupting ground or surface water flows. It is therefore considered that the proposal would accord with MLP Policy M38 and Part 10 of the NPPF. MLP Policy M38 is considered to be consistent with the NPPF and can therefore be afforded appropriate weight.

Cultural Heritage

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

Agriculture and Soils

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

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

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

Cumulative Impact

133. Paragraph 144 of the NPPF, Paragraph 17 of the National Planning Practice Guidance and MLP Policy M45 recognise that some areas may have been subject to successive mineral development over a number of years. It is recommended that when determining planning applications local planning authorities should take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality. It is stated that the cumulative impact of mineral development is capable of being a material consideration when determining individual planning applications.
134. Kilmondwood Quarry is located in close proximity to Hulands Quarry, operated by Aggregate Industries, which is situated approximately 350m to the north west on the north side of the A66 Road. There are no other mineral workings in the vicinity other than relatively small scale sandstone quarries at Cat Castle and Stainton.
135. The cumulative impacts of quarries working in close proximity primarily relate to the landscape character and visual amenity of the area and also the combined impacts of noise, dust, ground vibrations from blasting, hydrology and traffic movements. The ES contains a Cumulative Impact assessment that considers landscape, visual amenity, noise, dust, blasting, hydrology, geology, agriculture and soils, historic environment and traffic. The assessment concludes that the proposed extension to Kilmondwood Quarry would not result in an unacceptable cumulative impact.
136. The combined effects of working any large-scale excavation may in itself also have some cumulative impacts on environmental and living conditions and the perceptions of the those within the vicinity of the area. Whilst these have some weight, sufficient information has been provided in this instance and considered in this report, to show that the effects can be effectively mitigated and would not raise material conflict with MLP Policy M45 and concerning cumulative effects.
137. It is therefore considered that although the cumulative impacts of landscape, noise, dust, blasting and traffic are of some significance they do not constitute a degree of harm that would substantiate a refusal under the criteria set out in any of the relevant policies from the MLP. It is therefore considered that the proposals would accord with MLP Policy M45 and Paragraph 144 of the NPPF.

CONCLUSION

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

RECOMMENDATION

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

Approved Documents

1. The development hereby permitted shall only be carried out in accordance with the documents listed below, details subsequently approved in accordance with this permission, or any variation which has been subsequently agreed in writing by the Mineral Planning Authority in advance:
 - Figure 3.1 REVA Phase 1
 - Figure 3.2 REVA Phase 2
 - Figure 3.3 REVA Phase 3
 - Drawing No. KWE03 REVA Restoration Plan
 - Site Procedure for Blast Monitoring dated May 2016
 - Dust Action Plan Revision A dated September 2016
 - Noise Action Plan dated May 2016
 - Extended Phase 1 Habitat Survey dated November 2015

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

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

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

Matters Requiring Subsequent Approval

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

Reason: to ensure that the site is worked and restored in an environmentally acceptable manner(Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF).

Commencement

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

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

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

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

Completion

6. The winning and working of minerals hereby permitted shall cease not later than 21 February 2042.

Reason: To ensure the development is carried out in accordance with the approved documents. To avoid unnecessary delay in the restoration of the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF).

7. Within 18 months of the permanent cessation of winning and working of minerals, all buildings, plant, machinery, structures and foundations shall be removed from the site and the site restored in accordance with the details set out in Condition 1 or as amended by details submitted in accordance with Condition 3.

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

8. If mineral extraction is temporarily suspended for a period of 3 months or more, then the operator shall give the Mineral Planning Authority notice of the date upon which mineral extraction was suspended within 7 days of the expiration of the 3 month period. Written notification shall also be given to the Mineral Planning Authority at least 7 days prior to the resumption of mineral extraction following a temporary suspension.

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

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

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

Policy Monitoring

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

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

Access and Protection of the Public Highway

11. Vehicular access to and from the site shall only be via the approved site access off the A66(T) at NGR NZ022137 and as shown on Drawing No: Figure 3.1 REVA Phase 1.

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

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

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

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

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

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

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

Soil Stripping

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

Reason: To ensure the development is carried out in accordance with the approved documents. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity *and* Paragraphs 109, 118 and 144 of the NPPF).

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

Reason: To ensure the development is carried out in accordance with the approved documents and in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity *and* Paragraphs 109, 118 and 144 of the NPPF).

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

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

To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity *and* Paragraph 144 of the NPPF).

18. Soil mounds formed in accordance with Condition 15 shall be seeded with an appropriate grass seeds mixture agreed with the Mineral Planning Authority beforehand.

Reason: To ensure the development is carried out in accordance with the approved documents. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity *and* Paragraphs 109, 118 and 144 of the NPPF).

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

Reason: To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

20. No soils shall be removed from the site.

Reason: To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraph 144 of the NPPF).

Working Hours

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

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

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

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

With the exception of pumping, no operations including the maintenance of vehicles and plant or working shall take place outside these hours or at any time on Bank, or other public holidays, save in cases of emergency. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

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

Environmental Protection

Dust

22. The site shall be operated in accordance with the Dust Action Plan referred to in Condition 3, including the following measures, to suppress dust emissions from the site arising from vehicular movements, extraction operations, mineral, soils and overburden stockpiling arrangements and soil spreading operations:
- i) The provision of a water bowser which shall be used to suppress dust during the permitted operating hours when there is risk of dust arising from haul roads or vehicle manoeuvring areas.
 - ii) The provision and use of efficient dust collection equipment on drilling rigs.
 - iii) A speed limit of 15mph on all internal haul roads, with exhausts of mobile plant directed away from the ground.

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

23. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Action Plan approved under Condition 3. Results from dust monitoring shall be available on site for inspection during normal working hours, with copies being supplied to the Mineral Planning Authority on request within two working days.

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

Noise

24. Except when soil handling operations are taking place, the noise emitted from operations on the site shall not result in ambient noise levels greater than $55\text{dBL}_{\text{Aeq},1\text{hour}}$ (freefield) or as determined by baseline data gathered in accordance with Condition 3, whichever is lower, at East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts.

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

25. Noise emitted from the operations listed below shall not at any time result in ambient noise levels greater than $70\text{dBL}_{\text{Aeq},1\text{hour}}$ (freefield) when measured at East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts:
- (a) the stripping and respreading of all soil mounds.
 - (b) the construction and removal of all perimeter soil mounds.

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

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

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

27. Noise mitigation measures and the monitoring of site operations shall be carried out in accordance with The Noise Action Plan approved under Condition 3. Results from noise monitoring shall be available on site for inspection during normal working hours, with copies being supplied to the Mineral Planning Authority on request within two working days.

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

Blasting

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

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

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

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

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

30. All blasting shall be carried out in accordance with the Site Procedure for Blast Monitoring Revised and vibration levels shall be monitored for peak particle velocity in three mutually perpendicular planes in accordance with the approved scheme as referred to in Condition 1. Results from blast monitoring shall be available on site for inspection during normal working hours, with copies being supplied to the Mineral Planning Authority on request.

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

31. No secondary blasting shall be carried out.

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

Ecology

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

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

Floodlighting and Other Illumination

33. To minimise the impact of floodlighting or disturbance through glare, the steps listed in The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light 2005 Edition' (or such other subsequent revision or publication that replaces this guidance note), including reference to 'Environmental Zones', shall be followed at all times.

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

Groundwater and Surface Water Drainage Protection

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

Reason: To prevent adversely affecting watercourses passing through or outside the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources and Paragraph 144 of the NPPF*).

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

Reason: To prevent adversely affecting watercourses passing through or outside the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources and Paragraph 144 of the NPPF*).

Archaeology

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

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

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

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

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

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

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

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

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

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

Buildings, Fixed Plant and Machinery

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

Reason: To enable the local planning authority to consider the implications of any proposal to expand the activities which take place within the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Paragraph 144 of the NPPF*).

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

Reason: In the interests of visual amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Paragraph 144 of the NPPF*).

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

In the interests of visual amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Paragraph 144 of the NPPF*).

Site Maintenance

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

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

Restoration

42. Restoration of the site shall be in accordance with Drawing No. Figure Figure KWE03 REVA Restoration Plan as set out in Condition 1 above or as amended by detail submitted in accordance with Condition 3.

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

Replacement of Soil

43. Soils and any soil-making materials shall only be respread when it, and the ground on which it is to be placed, are in a sufficiently dry condition and in accordance with the details approved under Condition 1 or as amended by details approved under Condition 3.

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

44. No movement or replacement of soil shall be carried out during the months of October, November, December, January, February and March inclusive, without the prior consent of, by methods and for a period agreed with, the Mineral Planning Authority.

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

45. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Conditions 43 and 44 prior to further restoration being carried out, and should be kept informed as to the progress and stage of all works.

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

46. Following compliance with Conditions 43 and 44, the surface shall be graded to ensure that the contours of the landform conform with the restoration contours approved by the Minerals Planning Authority in accordance with the restoration scheme.

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

Aftercare

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

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

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

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

ANNUAL REVIEW

49. Before 31st August of every year during the aftercare period in respect of all restoration works, including seeding, carried out in accordance with approved details a report shall be submitted to the Minerals Planning Authority recording the operations carried out on the land during the previous 12 months (including works to rectify grass sward and planting failures, and identified as necessary by the Minerals Planning Authority as a consequence of preceding site meeting, held in accordance with Condition 45), and setting out the intended operations for the next 12 months.

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

50. Every year during the aftercare period the developer shall arrange a site meeting to be held before 30th November, to discuss the report prepared in accordance with Condition 49, to which the following parties shall be invited:

- (a) the Minerals Planning Authority
- (b) all owners of land within the site;
- (c) all occupiers of land within the site.
- (d) Natural England or successors (as appropriate);
- (e) representatives of other statutory bodies as appropriate.

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

COMPLETION AND AFTERCARE

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

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

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

Approved Documents

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

Figure 3.1 REVA Phase 1

Figure 3.2 REVA Phase 2

Figure 3.3 REVA Phase 3

Drawing No. KWE03 REVA Restoration Plan

- Site Procedure for Blast Monitoring dated May 2016
- Dust Action Plan Revision A dated September 2016
- Noise Action Plan dated May 2016
- Extended Phase 1 Habitat Survey dated November 2015

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

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

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

Matters Requiring Subsequent Approval

3. The development hereby permitted shall only be carried out in accordance with a scheme or schemes to be approved, in writing, by the Mineral Planning Authority, which shall, amongst other matters, include provision for the matters listed below:
 - Prior to the commencement of soil stripping and mineral extraction in each phase of working a detailed scheme for that phase shall be submitted to the Mineral Planning Authority for approval in writing. Such a scheme shall, inter alia, include provision for:
 - i) The method, direction, sequence, depth and area of working;
 - ii) A survey of topsoil, subsoil/overburden resources both in storage mounds on the site and to be used in each phase of restoration;
 - iii) The angles of excavated slopes and margins to the site boundary;
 - iv) The location and construction of haul roads within the site;
 - v) The location and height of mineral stockpiles;
 - vi) The location, height, size and surface treatment of any overburden and quarry waste disposal tips.
 - vii) Details of restoration and aftercare including any planting and boundary treatments, details of calcareous grassland establishment.
 - viii) Details of footpath protection measures

- ix) Details of any demolition works including method statements where necessary
- Prior to the commencement of Phase 1, baseline noise and dust levels shall be measured for South Flatts and revised noise and dust action plans shall be submitted to be approved, in writing, by the Mineral Planning Authority.

Reason: to ensure that the site is worked and restored in an environmentally acceptable manner(Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF).

Commencement

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

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

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

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

Completion

6. The winning and working of minerals hereby permitted shall cease not later than 21 February 2042.

Reason: To ensure the development is carried out in accordance with the approved documents. To avoid unnecessary delay in the restoration of the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M46 Restoration Conditions and Paragraph 144 of the NPPF).

7. Within 18 months of the permanent cessation of winning and working of minerals, all buildings, plant, machinery, structures and foundations shall be removed from the site and the site restored in accordance with the details set out in Condition 1 or as amended by details submitted in accordance with Condition 3.

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

8. If mineral extraction is temporarily suspended for a period of 3 months or more, then the operator shall give the Mineral Planning Authority notice of the date upon which mineral extraction was suspended within 7 days of the expiration of the 3 month period. Written notification shall also be given to the Mineral Planning Authority at least 7 days prior to the resumption of mineral extraction following a temporary suspension.

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

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

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

Policy Monitoring

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

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

Access and Protection of the Public Highway

11. Vehicular access to and from the site shall only be via the approved site access off the A66(T) at NGR NZ022137 and as shown on Drawing No: Figure 3.1 REVA Phase 1.

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

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

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

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

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

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

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

Soil Stripping

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

Reason: To ensure the development is carried out in accordance with the approved documents. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity *and* Paragraphs 109, 118 and 144 of the NPPF).

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

Reason: To ensure the development is carried out in accordance with the approved documents and in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity *and* Paragraphs 109, 118 and 144 of the NPPF).

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

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

To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity *and* Paragraph 144 of the NPPF).

18. Soil mounds formed in accordance with Condition 15 shall be seeded with an appropriate grass seeds mixture agreed with the Mineral Planning Authority beforehand.

Reason: To ensure the development is carried out in accordance with the approved documents. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity *and* Paragraphs 109, 118 and 144 of the NPPF).

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

Reason: To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraphs 123 and 144 of the NPPF).

20. No soils shall be removed from the site.

Reason: To ensure the development is carried out in an orderly manner. (Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting local amenity Paragraph 144 of the NPPF).

Working Hours

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

0700 hours to 1900 hours Monday to Friday

0700 hours to 1700 hours Saturday

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

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

With the exception of pumping, no operations including the maintenance of vehicles and plant or working shall take place outside these hours or at any time on Bank, or other public holidays, save in cases of emergency. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

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

Environmental Protection

Dust

22. The site shall be operated in accordance with the Dust Action Plan referred to in Condition 3, including the following measures, to suppress dust emissions from the site arising from vehicular movements, extraction operations, mineral, soils and overburden stockpiling arrangements and soil spreading operations:
- i) The provision of a water bowser which shall be used to suppress dust during the permitted operating hours when there is risk of dust arising from haul roads or vehicle manoeuvring areas.
 - ii) The provision and use of efficient dust collection equipment on drilling rigs.
 - iii) A speed limit of 15mph on all internal haul roads, with exhausts of mobile plant directed away from the ground.

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

23. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Action Plan approved under Condition 3. Results from dust monitoring shall be available on site for inspection during normal working hours, with copies being supplied to the Mineral Planning Authority on request within two working days.

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

Noise

24. Except when soil handling operations are taking place, the noise emitted from operations on the site shall not result in ambient noise levels greater than 55dBL_{Aeq,1hour} (freefield) or as determined by baseline data gathered in accordance with Condition 3, whichever is lower, at East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts.

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

25. Noise emitted from the operations listed below shall not at any time result in ambient noise levels greater than $70\text{dB}_{\text{L}_{\text{Aeq},1\text{hour}}}$ (freefield) when measured at East Roods, West Roods, Kilmondwood Farm, Jock House and South Flatts:
- (a) the stripping and respreading of all soil mounds.
 - (c) the construction and removal of all perimeter soil mounds.

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

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

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

27. Noise mitigation measures and the monitoring of site operations shall be carried out in accordance with The Noise Action Plan approved under Condition 3. Results from noise monitoring shall be available on site for inspection during normal working hours, with copies being supplied to the Mineral Planning Authority on request within two working days.

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

Blasting

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

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

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

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

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

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

inspection during normal working hours, with copies being supplied to the Mineral Planning Authority on request.

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

31. No secondary blasting shall be carried out.

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

Ecology

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

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

Floodlighting and Other Illumination

33. To minimise the impact of floodlighting or disturbance through glare, the steps listed in The Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light 2005 Edition' (or such other subsequent revision or publication that replaces this guidance note), including reference to 'Environmental Zones', shall be followed at all times.

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

Groundwater and Surface Water Drainage Protection

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

Reason: To prevent adversely affecting watercourses passing through or outside the site. (Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources and Paragraph 144 of the NPPF).

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

Reason: To prevent adversely affecting watercourses passing through or outside the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M38 Water Resources and Paragraph 144 of the NPPF*).

Archaeology

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

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

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

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

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

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

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

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

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

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

Buildings, Fixed Plant and Machinery

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

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

Reason: To enable the local planning authority to consider the implications of any proposal to expand the activities which take place within the site. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Paragraph 144 of the NPPF*).

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

Reason: In the interests of visual amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Paragraph 144 of the NPPF*).

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

In the interests of visual amenity. (*Adopted County Durham Minerals Local Plan (December 2000) Policy M36 Protecting Local Amenity and Paragraph 144 of the NPPF*).

Site Maintenance

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

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

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

Restoration

42. Restoration of the site shall be in accordance with Drawing No. Figure Figure KWE03 REVA Restoration Plan as set out in Condition 1 above or as amended by detail submitted in accordance with Condition 3.

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

Replacement of Soil

43. Soils and any soil-making materials shall only be respread when it, and the ground on which it is to be placed, are in a sufficiently dry condition and in accordance with the details approved under Condition 1 or as amended by details approved under Condition 3.

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

44. No movement or replacement of soil shall be carried out during the months of October, November, December, January, February and March inclusive, without the prior consent of, by methods and for a period agreed with, the Mineral Planning Authority.

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

45. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Conditions 43 and 44 prior to further restoration being carried out, and should be kept informed as to the progress and stage of all works.

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

46. Following compliance with Conditions 43 and 44, the surface shall be graded to ensure that the contours of the landform conform with the restoration contours approved by the Minerals Planning Authority in accordance with the restoration scheme.

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

Aftercare

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

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

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

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

ANNUAL REVIEW

49. Before 31st August of every year during the aftercare period in respect of all restoration works, including seeding, carried out in accordance with approved details a report shall be submitted to the Minerals Planning Authority recording the operations carried out on the land during the previous 12 months (including works to rectify grass sward and planting failures, and identified as necessary by the Minerals Planning Authority as a consequence of preceding site meeting, held in accordance with Condition 45), and setting out the intended operations for the next 12 months.

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

50. Every year during the aftercare period the developer shall arrange a site meeting to be held before 30th November, to discuss the report prepared in accordance with Condition 49, to which the following parties shall be invited:

- (a) the Minerals Planning Authority
- (b) all owners of land within the site;
- (c) all occupiers of land within the site.
- (d) Natural England or successors (as appropriate);
- (e) representatives of other statutory bodies as appropriate.

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

COMPLETION AND AFTERCARE

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

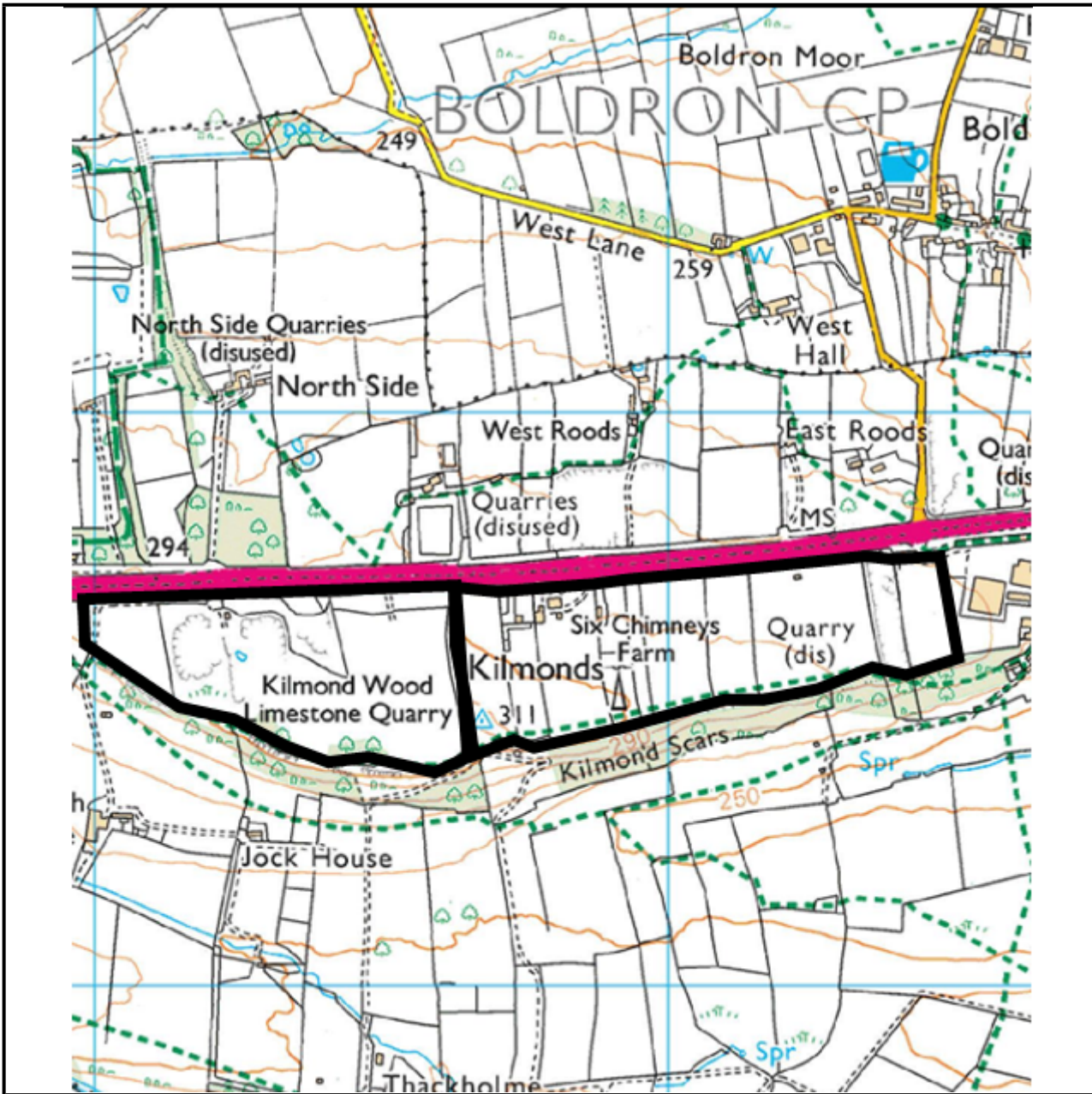
Restoration: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

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

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Comments

Date December 2016

Scale Not to scale