



COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/17/01260/MIN
FULL APPLICATION DESCRIPTION:	Extension of time for quarrying operations until 2042 with restoration by 2044
NAME OF APPLICANT:	Breedon Northern Ltd.
ADDRESS:	Raisby Quarry, Raisby Hill, Coxhoe
ELECTORAL DIVISION:	Coxhoe 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. Raisby Quarry (also as Coxhoe Quarry in recent years) is a large, established operational magnesian limestone quarry located approximately 10km south-east of Durham. The nearest settlements to are the villages of Kelloe 0.5km to the north and Coxhoe, which lies approximately 1km to the west of the site. The site occupies an area of 129.8ha and is located on the Durham Magnesian Limestone Escarpment.
2. The quarry is situated on the southern and western flanks of Raisby Hill, a fault controlled escarpment. The topography rises towards the east of the site to approximately 169m Above Ordnance Datum (AOD). At its highest point, Raisby Hill is approximately 177m AOD to the north-west of Trimdon Grange. Some 3km to the north of the site, the topography peaks at approximately 193m AOD, just south of the A181 at a Triangulation pillar north of the village of Cassop. To the south of the site, the landform descends via a series of undulations to the River Skerne, which flows from east to west. To the west of the site the topography rises gradually westwards and in the immediate area of the site is influenced by the Kelloe Beck, running north-east to south-west just beyond the perimeter of the site, and which is crossed by the site access road. Kelloe Beck flows into Coxhoe Beck; an un-named watercourse also follows the southern boundary of the site.
3. There are several public rights of way within the vicinity of Raisby Quarry. Footpath No.10 (Coxhoe Parish) shares the entrance into the site from A177, although it is separated from the road by barriers, and then follows an old road, now closed to the traffic, to the east of the site haul road where it meets with the junctions of Footpaths 11 (Coxhoe Parish), 45 and 47 (both within Kelloe Parish). Footpath 11 (Coxhoe Parish) travels west, away from the quarry and towards Coxhoe. Footpath 47 travels a short distance east along Bradyll Street before reaching the quarry working

boundary and Footpath 45 follows a route along the southern edge of the site boundary before being blocked by the former railway spur. Footpath 11 (Kelloe Parish) skirts around the eastern extraction limit for the site.

4. Raisby Hill geological Site of Special Scientific Interest (SSSI) is within the site boundary. Raisby Hill grassland SSSI abuts the north-western site boundary. Within 2km of the site there are several other SSSIs - Town Kelloe Bank, Trimdon Limestone Quarry, Charity Land, and Quarrington Hill Grassland. Also within 2km are local nature reserves at Little Wood, Crowtrees, Coxhoe Quarry Wood, and Raisby Way and Trimdon Grange Quarry. The nearest Special Areas of Conservation (SACs) are Thrislington, approximately 3.5km to the south-west; and Castle Eden Dene SAC, approximately 6.5km to the north-east.
5. The site is accessed directly from the A177 road to the south of the site via a long private access road. The A177 links to the A1(M) to the west and the A689 to the south. The site has historically been served by a railway spur leading from the south western part of the site close to the welfare facilities and joining the East Coast Mainline (ECML) at the junction adjacent to Thrislington works. The tracks have since been removed but the cutting remains intact. The main access into the site is known as Bradyll Street and was formerly a thoroughfare between the A177 to the south and Kelloe to the north before being stopped up.
6. The nearest residential properties are Low Raisby Farm approximately 300m to the north and Garmondsway Village approximately 180m to the south. The nearest settlements are Kelloe 450m to the north, Coxhoe 1.1km to the west, Trimdon Grange 1.2km to the east and Trimdon 1.1km to the south east. The site contains no known designated heritage assets. Within 1km of the application site there are 2 scheduled ancient monuments; Coxhoe medieval settlement and Garmondsway medieval village and 2 listed buildings; a Grade II Colliery Disaster Memorial and the Grade I Church of St Helens. There are no conservation areas within the vicinity of the site.
7. Mineral extraction at Raisby Quarry predates the modern planning system and the first planning permission was issued in 1947. The site has been worked from the west to the east and it is at the eastern face where extraction continues to progress. The mineral at Raisby Quarry consists of 3 distinct layers of Permian Magnesian Limestone; softer yellow limestone at top underlain by brown and blueish grey limestone, increasing in hardness at the lower depths. Below the quarry floor the mineral is Basal Permian consisting of Basal Permian Limestone, Marl Slate and Permian Aeolian Sand and below this are Upper Carboniferous coal measures. Limited restoration works have taken place on the north western faces and the overburden mound on the southern boundary of the site has been planted with trees.
8. There are a number of buildings located within the site. On the western side of the site there are several buildings located on land where the mineral has already been extracted. The group of buildings to the north are used for offices and to west is the parking area for staff cars and HGV's. Staff welfare facilities are located in the group of buildings to the south and also the weighbridge for uncoated quarry products. Between the offices and welfare facilities is the asphalt coating plant, which is owned and operated by Tarmac. The quarry operates with both fixed and mobile plant. The mobile plant is typically used in the southern area of the void where material is stored in stockpiles. A fixed primary crusher is located central to the northern edge of the void and is connected to the main fixed processing plant at the western side of the void by a conveyor. Processed mineral is sorted by grade and stockpiled on the quarry floor in the various parts of the site but generally on the southern edge away from the extraction areas.

The proposals

9. This planning application seeks, primarily, to extend the time period for extraction of the remaining 28.5 million tonnes of mineral from Raisby Quarry from 2018 until 2042 with an additional 2 years (2044) to complete restoration works. No changes are proposed to the volume of material to be extracted, or to the extraction area, which would remain as set out in Planning Permission 4/95/666CM. A slight change to the northern quarry boundary where there was an overlap with adjoining land owners has been made, however, this would not affect extraction boundary or restoration of the site. The reason for the proposed extension of time is due to a slower than anticipated rate of extraction meaning that at the end of the consented period there are still mineral reserves remaining.
10. The Tarmac operated asphalt plant located within Raisby Quarry would continue to operate under its own planning permission and associated Section 106 legal agreement for as long as mineral is being extracted from the quarry. The cessation of mineral extraction from the quarry is a trigger for a condition of the asphalt plant requiring it to be removed and the land it occupies restored in accordance with the agreed restoration plan for the site as a whole.

Proposed scheme of working

11. The site would be worked progressively east in 3 phases, with the working face split into 4 benches. The upper bench of yellow limestone would continue to be used for general fill and agricultural lime, the middle two benches of brown limestone used for concrete and aggregate and the lower bench of blue limestone used for the production of higher quality aggregate. The benches are worked concurrently so that the quarry can maintain a supply of varying products to the market and it is proposed that this would continue. The maximum depth of extraction would be to 105m AOD, or 64m.
12. The limestone from the quarry would continue to be worked by blasting the rock face to fracture material that can then be loaded into dump trucks by excavators. The material would then be transported to the primary crusher, or mobile plant depending on demand, for initial processing before being transported to the main processing plant by conveyor to be crushed and screened into graded aggregates. The graded aggregates would then be stockpiled ready for loading into HGV's by hydraulic loading shovel.
13. 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

14. Operations are currently taking place in Phase 1, with soil stripping occurring as required. Soils are currently stored in 5 separate mounds within the quarry with further soils being stored in mounds on the southern edge of the quarry floor. Soils would be stripped in sequential strips using an excavator with a flat bladed bucket, in accordance with the DEFRA Guidelines for soil handling. Stripping would be carried out 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.

15. Topsoil mounds would be approximately 3m in height and subsoil mounds up to 5m in height, as per the existing mounds, and would be seeded to minimise erosion if they are to remain in situ for longer than 6 months.

Traffic and access

16. The proposed working hours at the quarry would be as existing with mineral extraction operations restricted to 06:00 to 19:30 Monday to Friday and 06:00 to 12:00 on Saturdays. Haulage of mineral would be restricted to 06:00 to 18:00 Monday to Friday and 0600 to 1300 on Saturdays. Maintenance operations (outside of normal working hours) would be restricted to 19:30 to 22:00 Monday to Friday, 12:00 to 16:00 on Saturdays and 08:00 to 12:00 on Sundays. With the exception of cases of emergency, no operations would place outside these hours or at any time on Bank or Public holidays.

Restoration

17. Vehicles enter and exit via the site access track from the A177, which connects to the A1(M), to the west via the A688 and to the south, via the A689. The site is currently not limited to a fixed number of vehicle movements but it is anticipated that this would always be less than 500 per day. The average daily number of loaded HGVs leaving the site would normally be approximately 169, equating to 1.1million tonnes of aggregate per annum.

Aftercare

18. It is proposed to include some progressive restoration during the working life of the quarry but due to shape of the site and the need to utilise the quarry floor for storage of mineral there is limited opportunity complete any areas until extraction ceases. The proposal allows for a period of 2 years following the cessation of extraction for restoration works to be completed. The restoration of the site as a whole would focus upon biodiversity enhancement through the creation of approximately 75ha of Magnesian limestone grassland with fields on the quarry created through the spreading of higher grade soils from the areas yet to be stripped in the east. Part of the quarry floor would include a lake that would fluctuate in depth depending upon the water table height. Benches would see some infilling to encourage vegetation establishment but there would still be adequate rock faces available for breeding birds to utilise. All of the fixed plant, machinery, buildings would be removed and the remaining hardstanding areas and roads broken up and removed or buried within the site. Final restoration details would be required through condition should planning permission be granted.

Working hours

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. Following restoration and remaining in perpetuity beyond the aftercare period a legal agreement under Section 39 of the Wildlife and Countryside Act would provide management plans for the various features and character areas of the site, protecting it from inappropriate development.

Employment

20. The proposal would maintain employment of 15 persons at the quarry. This number increases considerably when taking into account hauliers and suppliers. The majority of the quarry workers and hauliers live locally to the site.
21. The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES, additional environmental information and that arising from statutory consultations and other responses. Significantly, additional groundwater monitoring has been undertaken during consideration of the application which has delayed determination of the application
22. The extension application is being reported to the County Planning Committee because it involves major minerals development.

PLANNING HISTORY

23. Raisby Quarry is a long established magnesian limestone quarry that predates the planning system. The first planning permissions for the site were issued in 1947 and the most recent consent for quarrying activities was issued in 1995 under reference 4/95/666CM for the Extension of opencast mining operations and phasing restoration. Numerous other planning permissions have been issued over the years for processing plant, sheds, workshops and offices on the site.
24. An application was submitted in 2016 for a vertical extension to the quarry and an extension of time to 2042 with ancillary operation of ready mixed concrete plant, concrete block manufacturing plant and secondary aggregate recycling facility. This application was withdrawn in March 2017.

PLANNING POLICY

NATIONAL POLICY

25. 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.
26. 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’.
27. 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.
28. The following elements of the NPPF are considered relevant to this proposal.

29. *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.
30. *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.
31. *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.
32. *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.
33. *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
34. *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.
35. *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.

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

36. 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.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

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

37. *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.
38. *Policy M3 – Extensions to Mineral Workings* – states that extensions to existing mineral workings, other than for opencast coal or fireclay, will be permitted provided they meet specific criteria including that they do not involve further mineral extraction on the Magnesian Limestone Escarpment
39. *Policy M12 - Proposals outside identified areas* - Relates to planning applications in areas outside areas of search, preferred areas and designated landscape areas. The policy advises that proposals will only be permitted where “one or more of the criteria in the policy applies”.
40. *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.
41. *Policy M27 – Local Sites* - states that minerals development which may have an adverse effect which affects regionally or locally identified sites of nature conservation interest including SNCIs or ancient woodlands will not be permitted unless the MPA is satisfied that there are reasons for the proposal that outweigh the need to protect the site's intrinsic qualities.
42. *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.

43. *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.
44. *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.
45. *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.
46. *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.
47. *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.
48. *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.
49. *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.
50. *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.
51. *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.
52. *Policy M40 – Scope for Rail Use* - seeks to reduce greenhouse gas emissions and reduce congestion by moving minerals from road to rail.
53. *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.

54. *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.
55. *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.
56. *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.
57. *Policy M47 – After uses* – provides advice in relation to proposals for the after use of mineral sites.
58. *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.
59. *Policy M51 – Storage* - In granting planning permission for mineral stocking areas conditions will be imposed to ensure the minimisation of environmental impact, time limits on storage of materials after working has ceased and preventing the import of materials from elsewhere.
60. *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.
61. *Policy M54 – Magnesian limestone Escarpment* – states that no new or extended magnesian limestone workings other than those allocated in the Plan will be permitted within the Magnesian limestone Escarpment Area and the progressive restoration of existing workings will be sought.

CITY OF DURHAM LOCAL PLAN (MAY 2004) [CDLP] POLICY:

62. *Policy E17 – Sites of Special Scientific Interest* – states that development likely to adversely affect Sites of Special Scientific Interest will only be permitted if it is of national importance and cannot be located elsewhere, and that remedial measures are taken to minimise impact.

EMERGING POLICY:

The County Durham Plan (CDP)

63. 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.

NEIGHBOURHOOD PLAN

64. There is currently no relevant neighbourhood planning activity in the vicinity of the site in question that would need to be taken into account in the consideration of this planning application.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

65. *Department for Communities and Local Government* – advises that it has no comments to make on the Environmental Statement.
66. *Highways Authority* – has raised no objections stating that forecasted increase in vehicle movements would not have a material impact on junctions within the surrounding highway network.
67. *Environment Agency* – has raised no objections to the proposals but has requested a condition be imposed requiring the submission of a Site Water Monitoring and Management Plan within 6 months of planning permission being issued in order to ensure that the quarrying activities including dewatering, abstraction, water storage and use for dust suppression are not impacting upon the Magnesian Limestone principal aquifer.
68. *Drainage & Coastal Protection* – has raised no objections to the proposals noting that the working and restoration proposals direct water runoff into the quarry workings where it would contain to infiltrate and recharge unsaturated bedrock. A condition is requested to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment.
69. *Northumbrian Water* – advises that it has made no comments.

INTERNAL CONSULTEE RESPONSES:

70. *Spatial Policy* – Has raised no objections to the proposal stating that it does not conflict with a number of the principal policies of the County Durham Minerals Local Plan, specifically Policy M1 (Maintenance of Landbanks), Policy M12 (Proposals outside Identified Areas) and Policy M54 (Magnesian Limestone Escarpment). Whether the planning application conflicts or accords with other relevant environmental and transport related County Durham Minerals Local Plan and the City of Durham Local Plan is a matter that needs to be determined through the consideration of this planning application.

71. Officers also advise that in determining this planning application a key consideration is that mineral which is proposed to be worked currently forms a significant component of County Durham's existing crushed rock permitted reserves and crushed rock landbank and that the potential contribution of Coxhoe Quarry to past and potential future sales and meeting forecast need should not be underestimated. They also advise that the winning and working of remaining permitted reserves of magnesian limestone at this quarry has the potential to generate and deliver both economic and environmental benefits including that associated with providing local employment and the restoration of the quarry and that they should be given great weight in the planning balance in accordance with Paragraph 144 of the NPPF.
72. *Environmental Health and Consumer Protection (air quality)* – has raised no objections to the proposal stating that the quantitative monitoring of dust levels that is currently carried out is acceptable and should continue. Comments are also made in relation to the review and revision of the dust action plan for the site.
73. *Environmental Health and Consumer Protection (contaminated land)* – has raised no objections to the proposal but has requested that conditions be imposed relating to the remediation of potential contamination during the restoration phase of the development.
74. *Ecology* – has raised no objections with officers noting that the principles of restoration remain intact with the restoration masterplan providing significant areas of Magnesian limestone grassland, a waterbody and retained limestone faces and scree slopes. It is requested that a restoration design scheme should be submitted prior to the commencement of work within Phase 3 which incorporates features that promote biodiversity. Officers do not envisage any impacts arising from the extension of time on SSSIs in the vicinity of the site, considering that the principles of working practice and restoration would remain the same despite the extension of time and so additional impacts on SSSI would be negligible.
75. *Landscape* – has raised no objections. Officers advise that the most notable effects would be delays to the removal of plant and the time period over which operations to quarry faces are visible, and to the weathering of restored quarry faces. Given the localised nature of views of operational plant and its low or moderate effect in those views it is considered that the extension of time would not give rise to significant adverse effects.
76. *Access and Rights of Way* – has raised no objections to the proposal stating that the provision of safety signage for vehicles and pedestrians on the shared access road and Footpath 45 is welcomed and acceptable. Public access to the proposed new footpaths as part of the site restoration is also welcomed and it is requested that consideration be given to designating the new footpaths as Public Rights of Way.
77. *Design and Conservation* – has raised no objections to the proposals stating that there are no relevant heritage and design issues.
78. *Archaeology* – has raised no objections to the development but notes that the Historic Environment Record (HER) data used in the Cultural Heritage Statement is over 3 years old and potentially out of date. Officers do, however, comment that this is not an issue in this particular case due to the nature of the proposals.

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. No representations have been received from members of the public.

APPLICANTS STATEMENT:

Introduction

80. Extraction of the limestone at Raisby Quarry (formerly known as Coxhoe Quarry) has been taking place since the latter part of the 19th Century. Breedon Northern Ltd, which is part of the Breedon Group, is the current operator of the site, having acquired it as part of the acquisition of Hope Construction Materials Ltd by the Breedon group in 2016.
81. The Breedon group is the UK's largest independent construction materials company. It operates around 60 quarries, 200 ready mixed concrete and mortar plants, 3 concrete block plants, 2 import cement terminals and the country's largest cement plant and employs around 2,300 people nationwide.
82. Raisby Quarry is an important site in the north of England. This application is being made to extend duration of the currently permitted operations to enable extraction of the remaining permitted reserves at Raisby Quarry.

Economic Benefits

83. Raisby Quarry is one of ten quarries currently active in County Durham producing crushed rock needed by the construction, civil engineering and manufacturing industries in North East England. Maintaining the permitted reserves at Raisby Quarry will help to ensure that a healthy landbank for crushed rock is maintained in compliance with the requirements of the National Planning Policy Framework.
84. The quarry makes a significant contribution to the local economy. There are currently 18 people employed within the quarry itself and a further 25 truck drivers based there. Further, within the quarry there is a laboratory and the regional head office where some 33 people work. Many of these people live locally and the grant of permission to continue mineral extraction beyond 2018 will greatly help to secure their continued employment.
85. In addition, there is an asphalt plant located within the quarry which is currently owned and operated by Tarmac. Whilst this has a separate planning permission, the conditions of that permission require the removal of the plant when mineral extraction ceases at Raisby Quarry. Accordingly, the grant of permission to continue mineral extraction at the quarry will also secure the continued operation of the plant, the supply of materials it produces to the region and the employment of the people working there.

Environmental Impact

86. The potential environmental impact of the continued mineral extraction at Raisby Quarry has been assessed in the Environmental Statement. Overall it has been concluded that it will not result in any significant adverse impact on the local environment or on the amenity of local residents and nearby road users and recreational users.

Summary

87. In preparing the application, careful consideration has been given to developing the working proposals in order to maximise the available mineral resources while ensuring that they have minimal impact on the local environment and communities. Granting planning permission will help to secure the supply of crushed rock and other materials needed by the construction, civil engineering and manufacturing industries in North East England. It will also help to secure the continued employment of a significant number of people, many of whom live locally.

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

88. 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, cultural heritage, agriculture and soils cumulative impact, alternatives and legal agreements.

Principle of the development

89. Raisby Quarry is a long established crushed rock quarry which has provided a reliable supply of Magnesian Limestone for a range of construction related purposes and as a by-product limited quantities of agricultural lime which is used to correct soil acidity. The quarry currently has sufficient permitted reserves for the next 24 years within the currently permitted area. The current planning permission for the site was granted in 1995 and the site has not worked at the rate of output expected (approximately 2 million tonnes per annum). The current planning permission requires extraction to cease in September 2018 and significant reserves would remain. Therefore the main issue to consider in the determination of this application is the acceptability of extending the time limit for the site in order to allow for the full extraction of the mineral resource, this being 28.5 million tonnes.
90. MLP Policy M1 seeks to maintain landbanks including a 10 year crushed rock landbank throughout the Plan period. This Policy has been saved until it is replaced by the provisions of the County Durham Plan and has been assessed as only partially consistent with the NPPF. However, this is only by virtue of some of the other named landbanks in Policy M1 not being consistent with the NPPF. The crushed rock landbank in Policy M1 is consistent with the 10 year crushed rock landbank specified in Paragraph 145 of the NPPF and is not out of date. Policy M1 is not time limited and has been classified as only partially consistent with the NPPF due to differing landbank periods although the landbank periods for crushed rock within the Policy are fully consistent with Paragraph 145 of the NPPF. This Policy can therefore carry only some weight in the decision making process.
91. In relation to the size of the landbank for crushed rock, the latest North East Aggregates Working Party Annual Monitoring Report indicates that the crushed rock landbank in County Durham was 42.7 years (131,389,990 tonnes) on 31 December 2016. It is important to note that the 28.5 million tonnes of magnesian limestone at

Raisby Quarry currently forms a sizeable proportion of County Durham's crushed rock landbank and should planning permission not be granted the crushed rock landbank would fall to approximately 33.4 years (a fall of 9.25 years). While this would not lead to a direct conflict with Policy M1 given the extent of existing permitted reserves and potential sales, refusal of planning permission would not be in the interests of a steady and adequate supply of crushed rock.

92. MLP Policy M3 sets out the criteria under which extensions to mineral sites will be permitted. On the basis that the planning application does not materially seek to change or extend the area of the previous permission it is considered that this Policy is not relevant to the consideration of the proposed development. The northern boundary of the site has been slightly redrawn over the existing permission to incorporate less land, however, this would not impact on the working or restoration of the site.
93. MLP Policy M12 relates to planning applications in areas outside areas of search, preferred areas and designated landscape areas. The Policy advises that proposals will only be permitted where "one or more of the criteria in the policy applies". In relation to the criteria in this policy, the proposal is not in direct conflict requirement to demonstrate and established need as the reserves are existing permitted reserves and are required to help meet an established need over the forthcoming plan period to 2033, that could not be met from an area search or a preferred area. Arguably, the proposed development accords with the need for comprehensive reclamation as the proposal provides a basis for the existing quarry's full restoration. Policy M12 is consistent with the NPPF and is not time limited and can carry full weight in the decision making process.
94. MLP Policies M46 and M47 relate to the restoration and after use of the site. These Policies are particularly pertinent as the proposed development would provide a process by which Raisby Quarry is restored. The proposal appears to be compliant with both policies. Policies M46 and M47 are consistent with the NPPF and can carry full weight in the decision making process.
95. MLP Policy M54 advises that within the Magnesian Limestone Escarpment area, as defined on the Proposals Map, no new or extended magnesian limestone workings other than those allocated in the Plan will be permitted, and the progressive restoration of existing workings will be sought. On the basis that the existing planning permission at Raisby Quarry predates the adoption of the MLP and that the extent of permitted reserves at Raisby Quarry were within the landbank prior to the adoption of the MLP, the extension of time to complete the winning and working of magnesian limestone from Raisby does not conflict with Policy M54. The grant of planning permission to extract the remaining magensian limestone would, however, enable the continued working and progressive restoration of the existing workings at Raisby Quarry in accordance with Policy M54. Policy M54 is consistent with the NPPF and can carry full weight in the decision making process.
96. Key to the consideration of this planning application is the recognition that the permitted reserves at Raisby Quarry are currently existing permitted reserves, that these permitted reserves comprise a significant component of County Durham's existing crushed rock permitted reserves and crushed rock landbank. Furthermore, the contribution of Raisby Quarry to past and potential future sales and meeting forecast need should not be underestimated, potentially this quarry, at the maximum level of sales proposed by the applicant (which, at 1.1 million tonnes, is significantly lower than the 2 million tonnes per annum of the existing permission) could meet approximately one third of County Durham's annual demand requirement (as outlined in the Council's latest Joint Local Aggregate Assessment).

97. 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, should planning permission be granted.
98. It is also considered that the winning and working of remaining permitted reserves of Magnesian limestone at this quarry has the potential to generate and deliver benefits. These benefits which include economic and environmental benefits including that associated with providing local employment and the restoration of the quarry should be given great weight in the planning balance in accordance with Paragraph 144 of the NPPF.
99. The principle of the development would accord with MLP Policies M1, M12 and M54. The proposal would also accord with Part 13 of the NPPF which requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates as well as giving great weight to the benefits of mineral extraction including to the economy.
100. Paragraph 144 of the NPPF is clear that local planning authorities should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. LPAs should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. An assessment of the relevant environmental impacts of the proposal is set out below.

Residential Amenity

101. The nearest residential properties are Low Raisby Farm approximately 300m to the north and Garmondsway Village approximately 180m to the south. The nearest settlements are Kelloe 450m to the north, Coxhoe 1.1km to the west, Trimdon Grange 1.2km to the east and Trimdon 1.1km to the south 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 Raisby there are no groups of properties within 250m or 500m of the site and therefore there is no conflict with this Policy.
102. The principal effects of working on residential amenity would be in respect to noise, dust and blasting. MLP Policy M36 seeks to protect residential amenity from the effects of mineral development. In the case of Raisby 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

103. Noise levels for temporary and normal operations at the site (within permitted levels set out in Government Guidance) are controlled through existing conditions and

noise levels are currently monitored by the site operator and would continue to be controlled through condition should planning permission be granted.

104. National Planning Practice Guidance (NPPG) advises that during normal working hours (0700 – 1900) and subject to a maximum of 55dB(A) $L_{Aeq}1h$ (free field), mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that where this 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.
105. NPPG also recognises that mineral operations will have some particularly noisy short term activities that cannot meet the limits set for normal operations. These include soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. NPPG advice is that increased temporary daytime noise limits of up to 70dB(A) $L_{Aeq}1h$ (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered in order to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this 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.
106. The applicant has submitted a noise action plan in support of the application that includes a noise monitoring protocol and mitigation measures. These include the use of new plant where practical and regular maintenance to ensure noise attenuation remains effective, continued liaison with residents to inform them of site operations, particularly if there are to be periods of noisier temporary works and adherence by the site manager to the noise management measures contained with the Environmental Management Plan for the site.
107. A noise assessment has been carried out and the results are contained in the ES. The noise assessment provide background noise levels for Low Raisby Farm (52dB(A) $L_{Aeq}1h$), East Farm House (54dB(A) $L_{Aeq}1h$), The Paddock 56dB(A) $L_{Aeq}1h$), Bradyll Street (48dB(A) $L_{Aeq}1h$), and Garmondsway Village (48dB(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 41dB(A) $L_{Aeq}1h$ at Low Raisby Farm during Phases 2 and 3, 42dB(A) $L_{Aeq}1h$ at East House Farm during all phases, 42dB(A) $L_{Aeq}1h$ at The Paddock during Phases 2 and 3, 38dB(A) $L_{Aeq}1h$ at Bradyll Street during Phases 2 and 3 and 42dB(A) $L_{Aeq}1h$ at Garmondsway Village during all phases. This demonstrates that for routine operations the maximum predicted increase noise levels from routine operations would not result in an increase above background noise levels and would all be within 55dB(A) $L_{Aeq}1h$.
108. The predicted worst case noise levels for temporary operations would be 61dB(A) $LAeq1h$ at Low Raisby Farm, 42dB(A) $LAeq1h$ at East House Farm, 48dB(A) $LAeq1h$ at The Paddock, 51dB(A) $LAeq1h$ at Bradyll Street and 45dB(A) $LAeq1h$ at Garmondsway Village. The predicted levels for short term operations would therefore be well within the recommended limit of 70dB(A) $L_{Aeq}1h$.

109. The NPPG does not provide guidance on appropriate noise levels for recreation areas. Previous Government Guidance (MPG11) recommended a noise level of 65dB Leq,1hr during the working day. The submitted noise assessment does not 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. Nevertheless, given the proposals would be a continuation of current operations and conditions would be imposed seeking to control noise and dust emissions and measures are in place regarding notice of blasting, it is considered that there would not be an adverse impact upon users of the public right of way network and no conflict with MLP Policy M35 in this regard or Parts 8, 11 and 13 of the NPPF. MLP Policy M35 is considered to be consistent with the NPPF and can carry full weight in the decision making process.

110. The application is for a continuation of existing quarrying operations albeit for an extended time period. Conditions would continue to 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

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

112. Receptors can potentially be affected by dust up to 1km from the source, although any dust emissions are more likely to be deposited much closer to the dust sources, generally within 100m, depending on the size characteristics of the dust particles and in the absence of appropriate mitigation. The impact would depend on nature of activity taking place, wind direction and speed, particle size distribution, the degree of rainfall and surface topography.

113. An air quality and dust assessment has been carried out as part of the scheme and submitted in support of the application, the results of which are included in the ES. 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.

114. A Department of Health and Department of the Environment, Transport and the Regions research study: The Impact of Particulate Matter from Opencast Coal Sites on Public Health, was published in December 1999. NPPG reflects the good practice recommendations made in the report. The key assessment criteria are the proximity of residential communities to a site and background levels of small particles

(PM10) in relation to the National Air Quality Standard. The Institute of Air Quality Management (IAQM) has published detailed guidance for the assessment of dust and fine particulate matter impacts from mineral sites. The guidance sets out steps for assessing fine particulate matter impact with step 1 being a screening assessment. The screening assessment states a detailed assessment is only required in situations where the background PM10 concentration exceeds 17 µg/m³.

115. 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 relation to fine PM10 fine particulate matter, the background concentrations at surrounding receptors was measured 13.04 and 14.38 µg/m³ and is therefore below the 17 µg/m³ where a detailed assessment would be required. In addition, the assessment notes that the vast majority of mineral dusts emitted from the activities at Raisby quarry are of a greater particle size than PM₁₀. 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.
116. Environment, Health & Consumer Protection officers have considered the submitted assessment, proposed dust control measures and have raised no objections, subject to the dust management plan being reviewed periodically. 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 Parts 11 and 13 of the NPPF. MLP Policies M36 and M50 are both considered to be consistent with the NPPF and can be afforded full weight in the decision making process.

Blasting

117. Blasting is an integral part of the way in which mineral is won from Raisby Quarry. Blasts are dictated by demand for material but on average there are and would continue to be 2 to 4 blasts per month based upon the current and predicted operational demand. Blasting would be carried out between the hours of 09:00 and 17:00 Monday to Friday.
118. The three effects associated with blasting are ground vibration, air overpressure (or air blast wave) and projected rock particles (flyrock). The extent of disturbance is dependant on a number of factors including type and quantity of explosive, degree of confinement, distance to nearest buildings, the geology and topography of the site and atmospheric conditions.
119. 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 over any 6 month period. This would be the same limit as set for the existing planning permission. Provision for the review and submission of the blast monitoring scheme for the site would be secured through condition

120. The applicant has submitted a ground vibration assessment as part of the ES 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. The assessment considers the causes and effects of ground vibration and air overpressure and concludes that blasts at Raisby Quarry can be designed to continue to meet with established ground vibration limits.
121. Environment, Health & Consumer Protection officers have raised no objections to the proposed scheme. Although there are a number of public rights of way within the vicinity of the site, and residential properties further distant, amenity would continue to be protected through conditions that set limits and requirements to mitigate any adverse effects. It is therefore considered that there would not be an unacceptable amenity impact on users of the public footpath or residents and that the proposal would comply with MLP Policy M36 and Parts 11 and 13 of the NPPF.

Residential amenity summary in relation to noise, dust and blasting

122. 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. 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 Parts 11 and 13 of the NPPF and advice contained within the NPPG.
123. Mineral processing and storage would occur as part of the proposed development within the quarry void. The environmental impacts would be controlled through condition. The proposals would not conflict with MLP Policies M50 and M51, Policies which are considered to be consistent with the NPPF.

Landscape and visual impact

124. The County Durham Landscape Character Assessment (2008) shows the site as lying within the East Durham Limestone Plateau County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area. It lies in an area belonging to the Limestone Escarpment broad landscape type in the Limestone Escarpment Ridge broad character area. The site also lies in an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area where the strategy is to enhance landscape character.
125. The site occupies an elevated position on Raisby Hill. It is largely screened from views to the north as the extraction limit is below the highest point of the hill and all working has been, and is proposed to continue, on the southern slope. It is visible at close quarters from public Footpath No. 11 (Kelloe Parish) which overlooks the site from the south east corner. It is also visible from the A177 to the south and partially visible, in clear weather, from the A1(M) to the west; it is not visible from the east. The existing screening mound on the southern boundary of the site limits views of the quarry working area and only the tops of the faces and parts of the processing plant can be seen from outside of the quarry.
126. The applicant has submitted a landscape and visual impact assessment as part of the ES. The assessment considers the baseline conditions, impacts and mitigation measures through the restoration of the site, which includes revegetation and natural weathering of the exposed faces. The conclusions of the assessment are that the

ongoing operations and progressive restoration works at Coxhoe Quarry would continue to enable the completed working areas to merge into the surrounding landscape with the restored site having a beneficial effect on the local landscape character. Visual effects would generally be reduced to neutral after restoration as the worked quarry faces become a permanent feature of the area.

127. Landscape officers have considered the proposals and concluded that there would be no significant adverse effects on landscape character. Officers advise that the most notable effects would be delays to the removal of plant which is currently visible in a few locations from outside of the quarry, an extension of the time period over which operations to quarry faces are visible, and delays to the weathering of restored quarry faces. Given the localised nature of views of operational plant and its low or moderate effect in those views it is considered that the extension of time would not give rise to significant adverse effects. Extraction operations on the quarry faces are episodic and do not have a substantial impact in themselves. The difference in appearance between an operational and restored quarry face in the case of Raisby Quarry is considered to be relatively modest and largely a matter of the colour of the face; the restored being more muted due to weathering and, although the proposals would slow the progress of that process, the difference in character at any one time would not be substantial.
128. The proposed extension of time for the site would extend the duration of visual impacts but this would be offset by the economic benefits of job retention and mineral extraction as well as the long term benefit of a diverse restoration scheme that would provide biodiversity enhancement and public access.
129. The proposals, including restoration, would accord with MLP Policies M24, M36, M46, M47 and M52 and Parts 11 and 13 of the NPPF. MLP Policies M24, M36, M46 and M47 being consistent with the NPPF and can carry full weight in the decision making process. MLP Policy M52 is partially consistent with the NPPF because it states that restoration and aftercare to should be secured through the application of appropriate conditions and where necessary that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

Biodiversity interests

130. The presence of protected species under the Wildlife and Countryside Act 1981 and under the Conservation of Habitats and Species Regulations 2017 (as amended) is a material planning consideration. The Habitats Directive which is implemented by the 2017 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.
131. An Ecological Assessment has been submitted in support of the application and the results included in the ES. The assessment sets out the relevant policy and legislation in relation to protected species; a desk based assessment, Extended Phase 1 habitat and protected species assessment. The assessment identifies that the site comprises a mosaic of bare rock, bare ground, ephemeral-short perennial grassland, tall ruderal habitat, immature to semi-mature mixed plantation woodlands, arable crop, hedgerow, standing water, a range of grasslands from species poor

semi-improved grasslands to species rich unimproved calcareous grasslands, scrub and hard-standings, as well as the working quarry.

132. The impact assessment has shown that, with appropriate mitigation, a long term, minor and beneficial residual effect can be achieved for all of the receptors assessed. In addition, moderate beneficial outcomes can be anticipated with regard to the creation of woodland, and resources available to red squirrel, breeding birds and bats. Minor beneficial outcomes can be anticipated with regard to the creation of new grassland habitats, peregrine falcon and badger.
133. There are 3 SSSI's within or in close proximity to the application site. The majority of the application area is within the 'Raisby Hill Quarry SSSI' designation and, although not within the site, 'Raisby Hill Grassland SSSI' is located directly to the west of the quarry. Trimdon Limestone Quarry SSSI is located approximately 600m to the east. CDLP Policy E17 states that development likely to adversely affect Sites of Special Scientific Interest will only be permitted if it is of national importance and cannot be located elsewhere, and that remedial measures are taken to minimise impact. CDLP Policy E17 is partially consistent with the NPPF as although the exception tests differ the overall protection principles are consistent. Raisby Quarry is operated under consent from Natural England and this would continue to be the case for the proposed extension of time. Natural England has been consulted on the application but has not responded.
134. Ecology Officers do not envisage any impacts arising from the extension of time on SSSIs in the vicinity of the site. Officers note that the application is within the Raisby Hill Quarry SSSI with two other SSSIs within the local area; Trimdon Limestone Quarry SSSI to the east and Raisby Hill Grassland SSSI to the west. Ecology officers The extension of time will not produce any additional indirect impacts on the nearby SSSIs and the consent from Natural England for working within the Raisby Hill Quarry SSSI would continue for the proposed extension of time. Officers consider that the principles of working practice and restoration would remain the same despite the extension of time and so additional impacts on SSSI would be negligible.
135. The Raisby Way and Trimdon Grange & Railway Local Wildlife Sites (LWS) are located to the immediate south of the application site, Raisby Pond LWS is located immediately to the west and Trimdon Grange Pit Heap LWS is located approximately 600m to the east. MLP Policy M27 states that minerals development which may have an adverse effect which affects regionally or locally identified sites of nature conservation interest will not be permitted unless the MPA is satisfied that there are reasons for the proposal that outweigh the need to protect the site's intrinsic qualities. Ecology officers have considered the proposal and concluded that there would not be a significant adverse impact upon nature conservation interests and there would be an overall improvement through the restoration of the site. It is therefore considered that the proposal would accord with MLP Policy M27.
136. 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 2017 (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.

137. 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 raise no objections. The restoration scheme would bring biodiversity benefits through habitat creation and enhancement. Within the restored quarry there would be areas of woodland, hedgerows, wetland, a lake, agricultural fields and areas of Magnesian grassland. In order to ensure that the final faces are capable of supporting biodiversity potential it is recommended that a condition be imposed requiring the submission of final restoration details prior to commencement of works within Phase 3. It is therefore considered that the proposal would accord with MLP Policies M27, M29 and CDLP Policy E17 and Parts 11 and 13 of the NPPF. Policies M27 and M29 are considered to be consistent with the NPPF and can therefore be afforded appropriate weight. CDLP Policy is considered to be partially consistent with the NPPF and is therefore afforded reduced weight.

Access and traffic

138. Access to the site is via the existing site access track from the A177. This access would continue to be used. 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 1.14 million tonnes there would be a daily trip generation of 402 HGV movements (201 in, 201 out). This is below the 1995 prediction of sustained 500 movements per day, based on an estimated annual output of 2 million tonnes, and a slight increase of 26 movements above the situation when the survey was carried out in 2017. 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.
139. 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 was consulted 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 and sheeting of HGV's are already in place and would be imposed should planning permission be granted.
140. MLP Policy M40 seeks to encourage the use of rail transport for minerals where feasible. The existing planning permission for the site has requirement under Condition 65 for a written report to be submitted every 5 years examining the potential for establishing facilities for transporting materials from the quarry by rail. In the 20 years since the current planning permission was issued no proposal for rail transport from the site has been brought forward and it has not been proposed through the current application. The rail tracks to the site have largely been removed or are in poor condition. Should planning permission for the current application be granted it is considered that a condition requiring rail transport to be appraised every 5 years is not required. This would not prevent the operator from pursuing rail transport in the future should it become feasible.

141. The proposed extension and variation to the existing quarry would accord with MLP Policies M36, M42 and M43 and would not conflict with M40. MLP Policies M40 and M42 are considered to be consistent with the NPPF and can therefore be afforded appropriate weight. MLP Policy M43 is partially consistent with the NPPF and is therefore afforded reduced weight. Whilst the Policy is consistent with the general principles of NPPF and NPPG, the matter of planning obligations needs to align with the related legislation. The terminology used in the Policy 'insofar as they fairly and reasonably relate to the proposed development' does not fully reflect section 122 of the CIL Regulations. There are no legal agreements or other obligations proposed for this site in relation to highways in this case. The proposals are also considered to accord with Part 4 of the NPPF.

Public Rights of Way

142. There are several Public Rights of Way within the vicinity of Raisby Quarry. Footpath No.10 (Coxhoe Parish) shares the entrance into the site from A177, although it is separated from the road by barriers, and then follows an old road, now closed to the traffic, to the east of the site haul road where it meets with the junctions of Footpaths 11 (Coxhoe Parish), 45 and 47 (both within Kelloe Parish). Footpath 11 (Coxhoe Parish) travels west, away from the quarry and towards Coxhoe. Footpath 47 travels a short distance east along Bradyll Street before reaching the quarry working boundary and Footpath 45 follows a route along the southern edge of the site boundary before being blocked by the former railway spur. Footpath 11 (Kelloe Parish) skirts around the eastern extraction limit for the site.
143. The continued operation of the quarry would not result in increased impact upon any of the public rights of way above what is currently permitted and level to which the site is currently worked. Users of Footpath Nos. 10, 11 and 45 where these run within or close to the existing site access road, may experience potential conflict with quarry vehicles as these enter and exit the site, however, this is no different to the current situation and any conflict is largely mitigated through physical separation. The proposed restoration for the site would include additional footpath links and it is therefore considered that, in the long term, there would be an overall benefit to the recreation value of the site.
144. Access and Rights of Way officers have raised no objections to the proposals. Officers have requested that the landowner consider offering the access track and proposed footpaths as Public Rights of Way. Whilst this would welcomed as part of the restoration value of the site it is considered to be unnecessary at the current stage of the quarry development. Impacts such as noise, dust, blasting and visual impact are addressed elsewhere in the report. It is therefore considered that the development would not have an unacceptable impact upon the recreational value of the countryside. The proposals would therefore accord with MLP Policy M35 and would not be contrary to Part 8 of the NPPF. MLP Policy M35 is considered to be consistent with the NPPF and can carry full weight in the decision making process.

Hydrology

145. The site is not within the vicinity of any controlled watercourses, or within Flood Risk Zones 2 or 3. There is a watercourse to the north west of the site and the site haul road bridges this near to the junction with the A177. The site lies on the Magnesian limestone and Permian Yellow Sands Principal Aquifers and the Coal Measures Minor Aquifer.
146. 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.

147. The Environment Agency has considered the proposal and has not raised any concerns but requests a condition be imposed requiring the submission of a Site Water Monitoring and Management Plan within 6 months of planning permission being issued in order to ensure that the quarrying activities including dewatering, abstraction, water storage and use for dust suppression are not impacting upon the Magnesian Limestone principal aquifer. Drainage and Coastal Protection officers have raised no objections to the proposal subject to a condition being imposed requiring that surface water runoff is directed into the quarry both during development and following completion of mineral extraction. It is therefore considered that the proposal would accord with MLP Policy M38 and Parts 10 and 11 of the NPPF. MLP Policy M38 is considered to be consistent with the NPPF and can therefore and can carry full weight in the decision making process.

Cultural Heritage

148. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
149. Within 1km of the application site there are 2 scheduled ancient monuments; Coxhoe medieval settlement and Garmondsway medieval village and 2 listed buildings; a Grade II Colliery Disaster Memorial and the Grade I Church of St Helens. There are no conservation areas within the vicinity of the site. The site contains no known designated heritage assets.
150. 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. The assessment concludes that the continued working of the quarry would have a negligible impact on the setting of surrounding heritage assets. In addition, no cumulative effects on the heritage resource or the area are anticipated.
151. Design and Conservation officers and Archaeology officers have raised no objections to the proposed extension of time. It is considered that there would be no harm to designated heritage assets given the proposed development is not within the setting of a designated heritage asset and it does not affect the significance of any heritage assets given the distance from the application site and intervening topography, planting and built development. It is therefore considered the proposals would not conflict 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

152. 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 ALC for the area yet to be worked is recorded as being Grade 3b over an area of approximately 16ha. The recovered soils would be put into storage and used in the restoration of the site with higher quality soils used to recreate agricultural fields on the quarry floor. Whilst there would be a loss of some agricultural land this would not amount to a greater quantity than already permitted.
153. The relatively slow working nature of aggregate quarries would mean that land not part of the current working area would remain in agriculture until required and there would therefore be a gradual rather than immediate loss of this resource. Should planning permission be granted then conditions would ensure soils are not damaged during handling and storage. The proposal would not conflict with MLP Policy M34 or Parts 11 and 13 of the NPPF given there would not be a loss of any best and most versatile agricultural land. MLP Policy M34 is considered partially consistent with the NPPF as it departs from the NPPF by virtue of referring to loss of 20ha or more of the best and most versatile agricultural land.

Cumulative Impact

154. Paragraphs 143 and 144 of the NPPF and the NPPG recognise that some areas may have been subject to successive mineral development over a number of years. It is recommended that when determining planning applications, local planning authorities should take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality. It is stated that the cumulative impact of mineral development is capable of being a material consideration when determining individual planning applications.
155. Raisby Quarry is one of seven large magnesian limestone quarries in close geographical proximity to one another on the Magnesian Limestone escarpment. The other quarries nearby are Thrislington (East and West) Quarry straddling the A1(m) 2km to the south west, Cornforth Quarry (East and West) straddling the A1(M) approximately 1.5km to the south west, Bishop Middleham Quarry approximately 2.5km to the south and Old Quarrington Quarry located approximately 4.5km to the north. All of these sites have extant planning permissions. Cornforth Quarry (East and West) is not currently operational. A former limestone quarry, Joint Stocks, under restoration by waste disposal is located 1km to the north west of the site.
156. The cumulative impacts of multiple 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 and visual amenity, ecology, soils and agriculture, water resources, cultural heritage, noise, vibration, air quality, traffic, recreation and amenity, natural heritage, people and property. The assessment concludes that no significant adverse cumulative effects have been identified and no additional mitigation, beyond that identified in the technical chapters of this ES, is proposed.
157. The cumulative effect of quarrying activities in this local character area including those of Bishop Middleham and Old Quarrington is already substantial. As previously stated, Cornforth is not currently operational and the effects of Thrislington East and West Quarries are generally constrained by the A1(M). This is a dynamic picture which is difficult to quantify due to the varied effects of different sites at

different times. The proposal extension of time would prolong the impact of Raisby Quarry on the area. However, each existing operation has its own conditions to control and mitigate the environmental effects.

158. In relation to landscape and visual impact the cumulative impacts of multiple quarries operating within the area is considered to be small to negligible as there are very limited opportunities to see more than quarry from a single viewpoint. This is particularly true of Raisby Quarry as it is more remote than Thrislington, Bishop Middleham and Cornforth, which are clustered around the A1(M) road. Similarly with ecological impacts, the more remote location of Raisby limits the cumulative effect of quarrying so that the impacts are localised and can be mitigated through measures on site.
159. The limited intervisibility of sites also reduces the cumulative impact of development upon cultural heritage assets and it is considered that continued working at Raisby Quarry would not cause any harm to heritage assets.
160. The cumulative impact of multiple quarries working above the principal and minor aquifers is a key consideration and is carefully regulated and monitored by the Environment Agency. The continued working of Raisby Quarry would not result in increased pressure on water resources and there no other developments in the closer vicinity of the quarry that could contribute to an accumulation of hydrological or hydrogeological impacts on known receptors.
161. The impacts of noise and dust have been considered in relation to the surrounding area and other workings and it is considered that there is adequate mitigation proposed, as detailed above, and conditions would be imposed to set maximum levels that would need to be adhered to. The frequency of blasting at Raisby would not be changed by the extension of time and would be designed to ensure that ground vibrations are below the threshold level of 6mm/sec. Traffic movements from the site are forecast to increase beyond existing levels over the coming years but would still be lower than the currently permitted limit.
162. The combined effects of working any large-scale excavation may in itself also have some cumulative impacts on environmental and living conditions and the perceptions of those within the vicinity of the area. 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 which relates to the consideration and acceptability of cumulative effects.
163. 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 proposal would accord with MLP Policy M45 and Parts 11 and 13 of the NPPF. MLP Policy M45 is considered to be consistent with the NPPF.

Alternatives

164. Alternatives to the current application have been considered. These being to do nothing, apply for a lateral extension or move to an alternative site. The option to do nothing would result in there being insufficient time available to recover the consented mineral reserves from the quarry, removing this contribution from the North East landbank. The option to apply for a lateral extension was considered to be not necessary and would require an additional land take with potential for increased adverse impacts on the environment. The option to find an alternative site

would present significant delays to allow for search, design, planning application and setup before mineral extraction could occur and the restoration requirement for the site would still remain. The proposal to apply for an extension of time to the existing site has been presented as the best available option.

Legal Agreements

165. The site is currently subject to a planning obligation under Section 106 agreement of the Town and Country Planning Act 1990 (as amended) and a Section 39 (Wildlife and Countryside Act) agreement. The purpose of the Section 106 was to dispose of all previous planning permissions related to the site so that would no longer have any effect or be able to be implemented. It is recommended that a new Section 106 obligation be entered into, should planning permission be granted, to dispose of the current 1995 planning permission. The reason for this is that 1995 permission would still be extant and the applicant would be in breach of the restoration conditions that would take effect later this year.
166. It is also recommended that the Section 39 agreement be updated in line with the new restoration plans for the site. The existing Section 39 includes a management plan with specific operations for five distinct character areas (identified as A, B, C, D and E) as well as elements such as footpaths, hedges, gates and stiles. These character areas all form part of the proposed restoration plan and it is considered that the existing management plans from the Section 39 would be acceptable in an updated form.
167. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.
168. The proposed Section 106 obligation is a reasonable requirement that is clearly related to the site and necessary to prevent historic restoration conditions coming into effect while the site is still operating. The Section 39 would provide long term protection for areas of the site that the applicant has designated to be of conservation value and therefore the requirement is reasonable, the agreement would be linked only to land within the site and the protection of the created habitats and features is necessary to balance the short term harm from quarrying operations.
169. NPPG provides guidance on financial guarantees and considers that a financial guarantee to cover restoration and aftercare costs would normally only be justified in exceptional cases. These being very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry; where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development; and where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission. NPPG advises that mineral planning authorities should address any concerns about the funding of site restoration principally through appropriately worded planning conditions. The site is an existing quarry which will be restored to a low level restoration using material stored around the periphery of the site. A restoration masterplan has been submitted as part of this application, however, it is a requirement that, through condition, updated details of the restoration works would be required along with timescales for implementation at a later stage in the development of the quarry. The NPPG advises where an operator is contributing to an established mutual funding scheme, such as

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

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

CONCLUSION

171. Paragraph 144 of the NPPF requires that when determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy. It also requires consideration of the environmental impacts of mineral extraction on the natural and historic environment.
172. Raisby Quarry is an established operational Magnesian limestone quarry with planning permission for extraction until September 2018. The proposed extension of time would help facilitate the continued steady and adequate supply of Magnesian limestone over the next 24 years, allowing full extraction of the previously permitted reserves, and would make a contribution to meeting an identified need for crushed rock aggregate production over the period to 2042 and is not contrary to the requirement of Policy M1 to maintain a 10 year crushed rock landbank. The proposal is also consistent with the provisions of Paragraph 145 of the NPPF in this respect. The proposal would accord with the relevant criteria set out in Policy M12 in respect of quarrying outside of an identified areas.
173. Whilst the proposal would cause a degree of localised harm to the landscape it is considered that the benefits of the proposal, in terms of crushed rock aggregate supply, jobs and future biodiversity enhancement and public access from the proposed restoration are sufficient to outweigh this harm. The likely impacts of the proposed development upon residential amenity (including noise, dust and blasting), landscape and visual impact, biodiversity interests, access and traffic, public rights of way, hydrology, cultural heritage, agriculture and soils and cumulative impact have been considered. It is concluded 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.
174. Although no public representations have been made, careful consideration was given to the potential impacts on local amenity associated with matters such as noise, dust and visual impact, blasting and access and traffic matters. These issues are fully addressed within the report and can be controlled through the implementation of appropriate mitigation measures and planning conditions.
175. The proposed development is considered to broadly accord with the relevant policies of the County Durham Minerals Local Plan, the City of Durham Local Plan, and relevant sections of the NPPF.

RECOMMENDATION

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

- Extinguishment of Planning Permission 4/95/666CM

And a Section 39 of the Wildlife and Countryside Act 1981 (as amended) to secure the following:

- Long term management and protection of the restored site

and 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:

Drawing No. NT12990/112A Rev. A 'Figure 3.3 Phase 1 Working'
Drawing No. NT12990/113A Rev. A 'Figure 3.4 Phase 2 Working'
Drawing No. NT12990/114A Rev. A 'Figure 3.5 Phase 3 Working'
Drawing No. NT12990/115A Rev. A 'Figure 3.6 Cross Section A-A'
Drawing No. NT12990/114A Rev. A 'Figure 3.7 Restoration Masterplan'

- Environmental Statement Project Description NT12990/ES/0003
- Environmental Statement Vibration Report
- Appendix 13.3 Dust Management Plan Dated March 2017
- Noise Assessment Reference NT12990/ES/0011
- Recreation and Amenity Assessment NT12990/ES/0015
- Biodiversity Action Plan Dated November 2016
- Environmental Statement Appendix 9.4 Flood Risk Assessment

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.

The details shall be submitted prior to the commencement of soil stripping and mineral extraction in Phases 2 and 3:

- 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 including replacement planting and planting timescales, details of Magnesian limestone grassland establishment.
- viii) Details of footpath protection measures
- ix) Details of any demolition works including method statements where necessary
- x) A review of the dust management plan for the site

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

4. Within 6 months of the planning permission date a scheme to deal with contamination shall be submitted to and agreed in writing with the Local Planning Authority. The full scheme shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, d or e are not required.

Throughout both the operation and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(c) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

(d) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

- (e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Part 11 of the National Planning Policy Framework.

Commencement

5. The development hereby approved must commence not later than three years from the date of this certificate, commencement being the continuation of mineral extraction from the quarry.

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.)

6. 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

7. The winning and working of minerals hereby permitted shall cease not later than 9 September 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 Part 13 of the National Planning Policy Framework).

8. Within 24 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 Part 13 of the National Planning Policy Framework).

9. 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 Part 13 of the National Planning Policy Framework).

10. In the event that winning and working of minerals ceases for a continuous 2 year period then such operations shall have deemed to have ceased and the Minerals Planning Authority shall be notified in writing within one month of the date of cessation. The land shall be restored in full accordance with the restoration scheme agreed with the Minerals Planning Authority in accordance with Condition 1 or as amended by details submitted in accordance with Condition 3 or such other scheme for the reinstatement and aftercare of the site as may be agreed in writing in advance with the Minerals Planning Authority and the site restored within the timescale specified in Condition 8.

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

Policy Monitoring

11. 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

12. Vehicular access to and from the site shall only be via the approved site access off the A177 as shown on Drawing No: NT12990/Figure 1.2 'Site Boundary'

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

13. 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 and Parts 4, 11 and 13 of the National Planning Policy Framework).

14. 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 and Parts 4, 11 and 13 of the National Planning Policy Framework).

15. 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 and Parts 4, 11 and 13 of the National Planning Policy Framework).

Soil Stripping

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

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

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

19. Soil mounds formed in accordance with Condition 16 shall be seeded with an appropriate grass seeds mixture and timetable for seeding 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 Parts 11 and 13 of the National Planning Policy Framework).

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

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

Working Hours

22. Extraction and processing activities authorised by this planning permission shall be restricted to the following periods:

0600 hours to 1930 hours Monday to Friday
0600 hours to 1200 hours Saturday

Haulage shall be restricted to the following hours:

0600 hours to 1800 hours Monday to Friday
0600 hours to 1300 hours Saturday

Maintenance activities outside of normal working time shall be restricted to the following hours:

1930 hours to 2200 hours Monday to Friday
1200 hours to 1600 hours Saturday
0800 hours to 1200 hours Sunday

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 and Parts 4, 11 and 13 of the National Planning Policy Framework).

Environmental Protection

Dust

23. The site shall be operated in accordance with the Dust Management Plan referred to in Condition 1, or as amended by 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 and Parts 11 and 13 of the National Planning Policy Framework).

24. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Management Plan approved under Condition 1, or as amended by 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 and Parts 11 and 13 of the National Planning Policy Framework).

Noise

25. 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 55dB_{L_{Aeq,1hour}} (freefield) at the nearest noise sensitive receptors. These receptors are Low Raisby Farm, East Farm House, The Paddock, Bradyll Street and Garmondsway Village.

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

26. Noise emitted from the operations listed below shall not at any time result in ambient noise levels greater than 70dB_{L_{Aeq,1hour}} (freefield) when measured at Low Raisby Farm, East Farm House, The Paddock, Bradyll Street and Garmondsway Village.
- (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 and Parts 11 and 13 of the National Planning Policy Framework).

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

28. Noise mitigation measures and the monitoring of site operations shall be carried out in accordance with The Noise Assessment submitted with the Environmental Statement (Reference NT12990/ES/0011). 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 and Parts 11 and 13 of the National Planning Policy Framework).

Blasting

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

0900 hours to 1700 hours on Monday to Friday

There shall be no blasting on Saturdays, Sundays, Public or Bank Holidays.

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

30. 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 (over a 6 month period), 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 and Parts 11 and 13 of the National Planning Policy Framework).

31. Ground vibration levels during blasting shall be monitored for peak particle velocity in three mutually perpendicular planes in accordance with the details approved under Condition 1 or as amended under Condition 3. 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 and Parts 11 and 13 of the National Planning Policy Framework).

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

Ecology

33. The site shall be operated in accordance with the Biodiversity Objectives and Targets detailed in Section 5.0 of the Biodiversity Action Plan Dated November 2016.

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

Floodlighting and Other Illumination

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

Groundwater and Surface Water Drainage Protection

35. Within 6 months of the planning permission date a Site Water Monitoring and Management Plan (SWMMP) shall be submitted to and approved in writing with the Mineral Planning Authority. The agreed plan shall be adopted, updated and adhered to throughout the life of the quarry. As a minimum the plan should include: - Details of the groundwater monitoring borehole network, - Details of groundwater level and quality monitoring to be undertaken - including frequency, method, duration and purpose, - Details of surface water monitoring (including ponds) to be undertaken – including location, frequency, method, duration and purpose, - An appropriate method and timescale for submission of monitoring data, - A summary of all available monitoring data highlighting any observed changes to the sites groundwater regime (quality and level). This will be updated as changes are observed, - Details of measures to be implemented to minimise pollution risks, and, - Details of water use on site and water management practices.

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 and Parts 10, 11 and 13 of the National Planning Policy Framework).

36. 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 and Parts 10, 11 and 13 of the National Planning Policy Framework).

Buildings, Fixed Plant and Machinery

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

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

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

Site Maintenance

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

Restoration

41. Restoration of the site shall be in accordance with Drawing No. NT12990/114A Rev. A 'Figure 3.7 Restoration Masterplan' 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 Part 13 of the National Planning Policy Framework).

Removal of Mining Facilities

42. In accordance with the agreed restoration strategy approved under Condition 1, or as amended by Condition 3, all areas of hardstanding, including the access road and haul roads, shall be broken up and taken to a licensed waste management facility.

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

43. In accordance with the agreed restoration strategy approved under Condition 1, or as amended by Condition 3, any settlement lagoons and drainage channels shall, unless to be retained in accordance with approved plans, be emptied of slurry, filled with dry inert material from the site, and restored to levels shown on the approved restoration plan.

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

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

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

Replacement of Overburden

45. The placement of overburden (including quarry waste) into the voids of completed workings shall be graded to levels in accordance with the restoration plan approved by the Minerals Planning Authority and in accordance with the restoration strategy approved under Condition 1, or as amended by Condition 3.

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

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

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

47. The Minerals Planning Authority shall be notified when Condition 46 has been complied with, and shall be given an opportunity to inspect the surface before further restoration work is carried out.

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

Replacement of Soil

48. Soils and soil-making materials (including quarry waste) shall only be respread when it, and the ground on which it is to be placed, are in a sufficiently dry condition and in accordance with the approved details required by Condition 1, or as amended by Condition 3.

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

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

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

50. After Condition 46 has been complied with, soil and soil-making materials (including quarry waste) shall be respread where appropriate, in layers to be agreed beforehand with the Minerals Planning Authority and in accordance with the approved restoration scheme.

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

51. Each layer formed in accordance with Condition 50 shall be rooted to its full depth and any non-soil type material or rock, boulder or stone, larger than would pass through a wire screen mesh with a spacing of 0.3 metres shall be removed from the surface and not buried within the respread soil.

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

52. All areas of exposed soil shall be rooted to relieve compaction and surface picked to remove any obstructions to cultivation in accordance with the restoration scheme approved under Condition 1, or as amended by Condition 3.

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

53. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Conditions 51 and 52 prior to further restoration being carried out, and should be kept informed as to the progress and stage of all works.

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

54. Following compliance with Conditions 51 and 52, the surface shall be graded to ensure that the contours of the landform conform with the restoration contours approved by the Minerals Planning Authority in accordance with the restoration scheme approved under Condition 3.

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

Provision of Surface Features Including Seeding

55. Following compliance with Condition 54 land to be sown shall be worked to prepare a seedbed suitable for the sowing of the appropriate seed mixture (as set out in the restoration scheme submitted under Condition 1, or as amended by Condition 3). During the cultivation process, any stones lying on the surface which are larger than would pass through a wire screen mesh with a spacing of 100mm, together with any other objects likely to obstruct future cultivation, shall be removed from the site.

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

56. By no later than the end of September following compliance with Condition 55, land so prepared shall be sown with the grass seed mixture approved in accordance with the restoration scheme approved under Condition 1, or as amended by Condition 3.

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

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

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

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

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

59. Works to the quarry faces, including restoration blasting and planting on restored faces shall be carried out in full accordance with the drawings and documents approved in accordance with the restoration scheme approved under Condition 1, or as amended by Condition 3.

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

60. The formation of the water body and wetlands shall be carried out in full accordance with the drawings and documents approved in accordance with the restoration scheme approved under Condition 1, or as amended by Condition 3.

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

Aftercare

61. The aftercare period referred to in the following conditions is a period of 5 years after compliance with Condition 53 for the whole of the site.

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

Annual Review

62. Before 31st August of every year during the aftercare period in respect of all tree planting and restoration works, including seeding, carried out in accordance with approved details a report shall be submitted to the Minerals Planning Authority recording the operations carried out on the land during the previous 12 months (including works to rectify grass sward and planting failures, and identified as necessary by the Minerals Planning Authority as a consequence of preceding site meeting, held in accordance with Condition 63), and setting out the intended operations for the next 12 months.

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

63. 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 62, to which the following parties shall be invited:

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

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

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

- (a) replacing plants which die or are missing;
- (b) weeding early in each growing season and as necessary thereafter to prevent the growth of plants being retarded;
- (c) maintaining fences around planted areas in a stock and rabbit proof condition;

- (d) appropriate measures to combat all other pests and/or diseases which significantly reduce the viability of the planting scheme.

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

65. Aftercare of grassland, including all Magnesian Limestone grassland, and wetlands shall proceed in full accordance with the details approved in accordance with the scheme agreed by the Minerals Planning Authority under Condition 1, or as amended by Condition 3 for the duration of the aftercare period, this being 5 years from soil replacement.

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

Completion and Aftercare

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

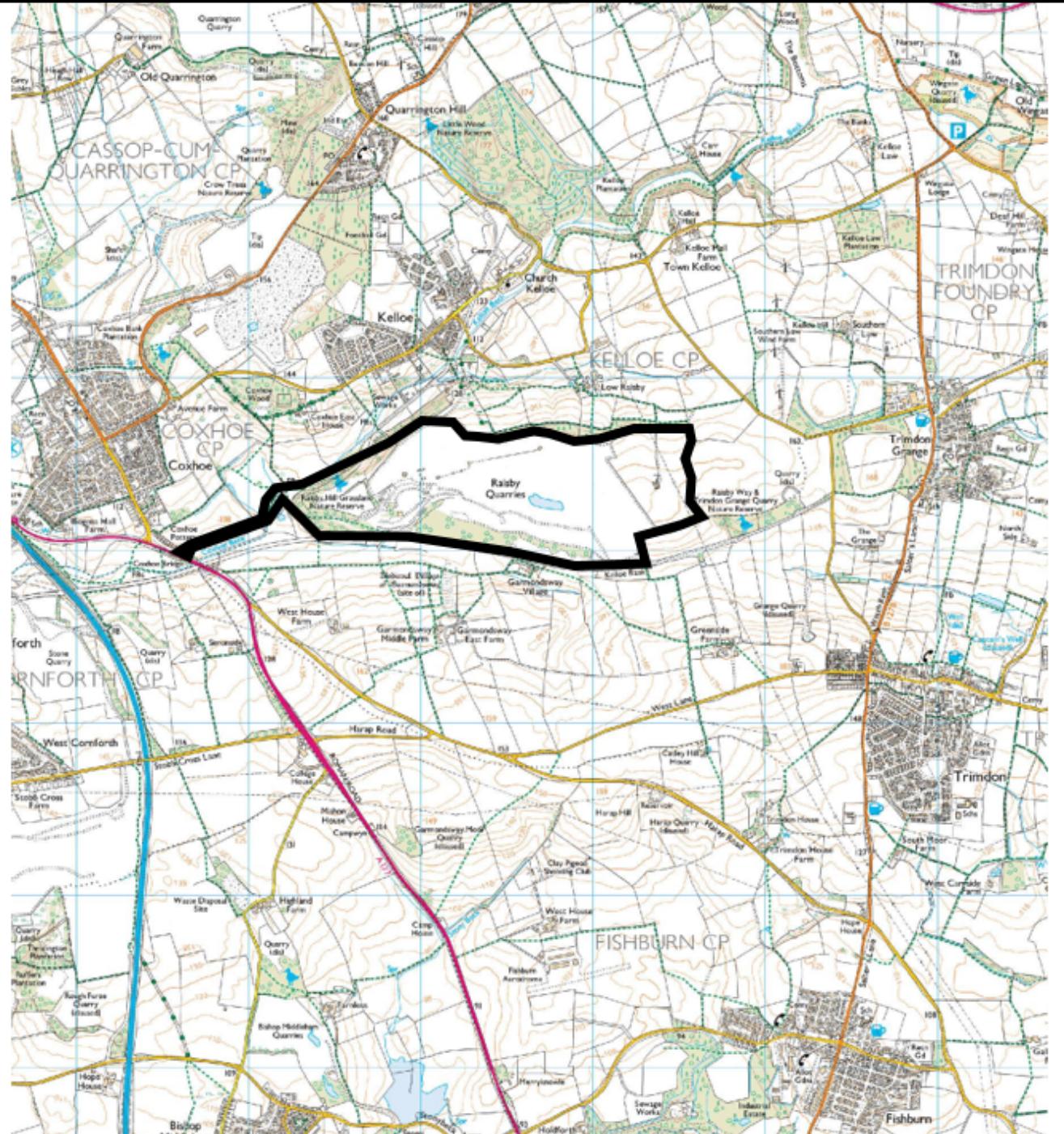
Reason: To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by Schedule 5 of the Town and Country Planning Act 1990.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its 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

DM/17/01260/MIN

Extension of time for quarrying operations until 2042 with restoration by 2044 at Raisby Quarry, Raisby Hill, Coxhoe

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Comments

Date February 2017

Scale Not to scale