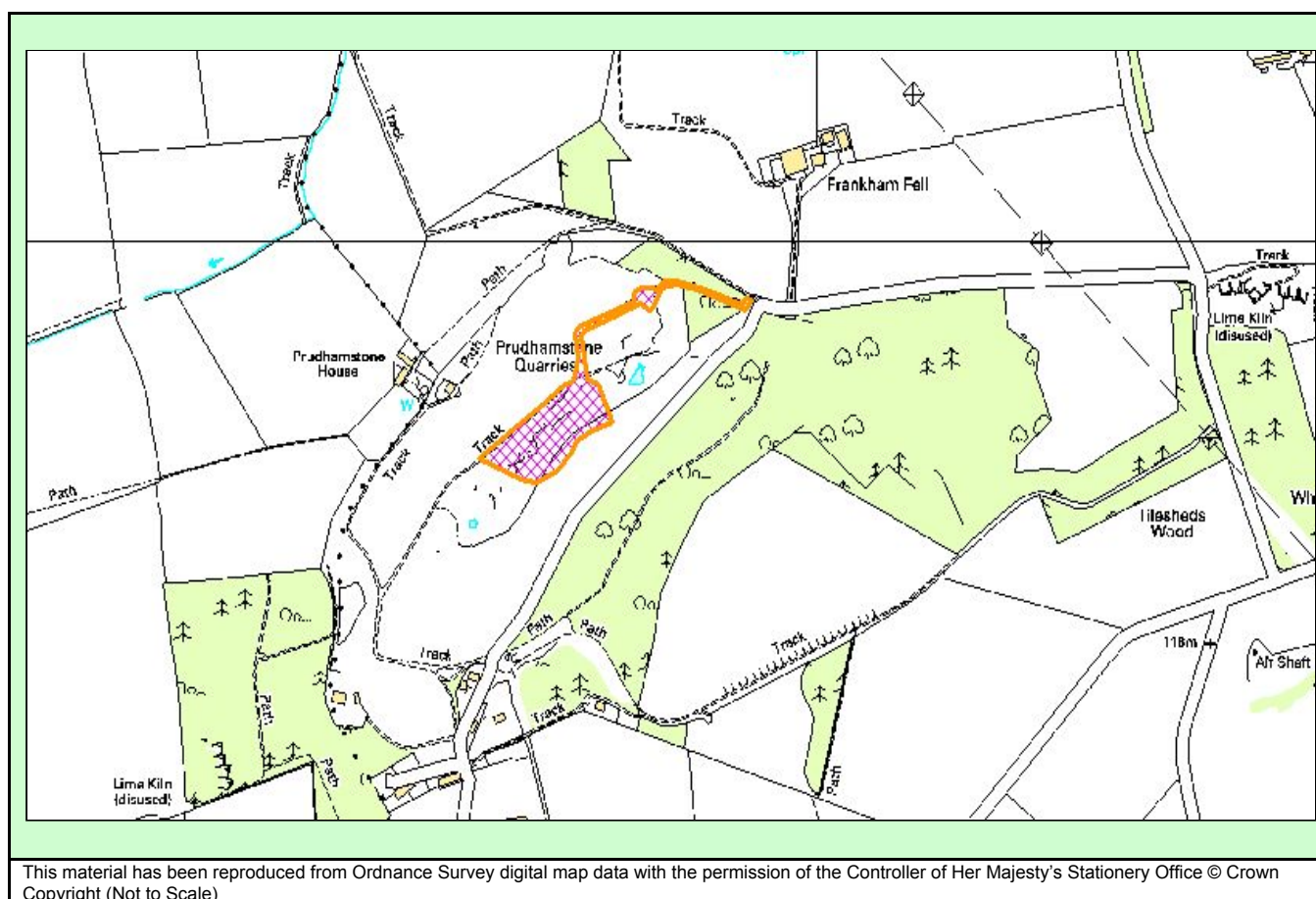




# Northumberland County Council

<b>Application No:</b>	16/01458/CCM		
<b>Proposal:</b>	Extraction of sandstone		
<b>Site Address</b>	Prudham Quarry, Newbrough, Northumberland		
<b>Applicant:</b>	Mr Robert Charlton Kirkholme, Lanty's Lonnen, Haltwhistle, Northumberland NE49 0HQ	<b>Agent:</b>	Mrs Katie Wood 1 Meadowfield Court, Meadowfield Ind Est, Ponteland, Newcastle Upon Tyne NE20 9SD
<b>Ward</b>	Humshaugh	<b>Parish</b>	Warden
<b>Valid Date:</b>	28 April 2016	<b>Expiry Date:</b>	28 September 2018
<b>Case Officer Details:</b>	Name: Mr Stuart Ray Job Title: Consultant Planning Officer Tel No: 01670 620455 Email: <a href="mailto:stuart.ray@northumberland.gov.uk">stuart.ray@northumberland.gov.uk</a>		



## **1. Introduction**

1. This application is being reported to the Strategic Planning Committee as it is a County Matter (minerals) development and the application has received objections from statutory consultees and objections from the public.

## **2. Description of the Proposals**

- 2.1 Prudham Quarry (historically known as Prudhamstone Quarry) is a former sandstone site located 900m northwest of the village of Fourstones, 1.2km northeast of Newbrough and 7km northwest of Hexham on the north side of the South Tyne Valley.
- 2.2 Prudham Quarry was continually worked for sandstone between 1820 and 1920. It was a large quarrying operation which developed through a century of operation to include steam driven cranes and a quarry tramway to extract and export the mineral towards the adjacent Fourstones Quarry and then south along the mineral tramway to the Limeworks at Fourstones Station. Between then and the 1970s it has been worked on an ad-hoc basis with the last known mineral extraction occurring in 1983 when it was opened up for a short period by Broden Construction Ltd.
- 2.3 Mineral from Prudham Quarry has previously been used on a range of significant structures across the UK; Newcastle Railway Station (1840s and during restoration work in 1976), Municipal Offices, Stirling (1900s and 1960s), a number of well-known buildings in Edinburgh (North British Hotel, Princes Street (1901), Scotsman Buildings, Market Street and North Bridge (all 1902) and 31 St Andrew Square (1972), paving for the entrance court to Hillgate House, Old Bailey, London (1984) and locally for the village hall in Newbrough and the majority of stone built buildings surrounding the quarry.
- 2.4 The Prudham Quarry site retains many features of previous mineral exploitation including waste dumps of various sizes, associated lengths of retaining walls and revetments. A long embankment, formerly a tramway, runs east-west across the site (which is now the access road to Prudhamstone House), crane bases, a former quarry void which has become a waterbody known locally as the 'Blue Lagoon' and the quarry face which runs north east to south west and is exposed in places showing a circa 21 metre high face. Set into the quarry face are a variety of shot holes, tool marks and blast features and iron bars.
- 2.5 The site is now a mixed plantation woodland mainly of Norway Spruce with some Scots Pine around the application site. Much of this plantation has matured and recent forestry management operations are evident. The ground flora is an acidic heath mix, including Heather, Foxglove and Bramble.
- 2.6 Planning permission was originally sought by Border Stone Quarries to extract circa 5,000 tonnes of sandstone over a 5 year period through 3 phases at a rate of 1,000 tonnes (500 m<sup>3</sup>) per annum dependent on demand. During the course of the application phase 3 has been deleted and a reduced mineral reserve is therefore anticipated. The proposal is now to extract approximately

4,000 tonnes of sandstone over a 5 year period through 2 phases which would equate to approximately 800 tonnes (400m<sup>3</sup>) of stone per annum dependent on demand. It would be expected the sandstone be used for restoration of historic and predominantly listed buildings originally constructed with the exact or similar sandstone. Additionally stone would be used for new build projects.

- 2.7 The application site covers an area of 1 hectare and includes access tracks, quarry compound and stone storage and loading area and the operational quarry extraction area which involves the reopening of a small portion of the former quarry to extract an area of outcropped sandstone to the southwest of the 'Blue Lagoon'. It is expected to be worked on a campaign basis for a 6 to 12 week period depending on demand between the hours of 8.00 am to 5.00 pm and in winter time 9.00 am to 4.00 pm. The quarry would not be worked on Saturdays, Sundays or Public Holidays.
- 2.8 Extraction would be by an excavator with the use of black powder (low velocity explosive) to break the larger blocks or create a joint at the quarry face.
- 2.9 No processing of stone is proposed at the application site. All stone would be transported to applicant's masonry works at Haltwhistle by 6 wheeled articulated vehicle. The proposal is for a maximum of six two way movements per day. The applicant has stated vehicles removing the stone from the quarry would avoid entering and leaving the quarry during peak traffic times i.e. between 0800 and 0900 and 1630 and 1730 as well as school pick up times.
- 2.10 The proposed haulage route from the quarry to the strategic road network (A69) starts from the application site onto the C226 and to the junction with the B6319. At this junction the wagon will turn towards Fourstones and travel through the village and then southwards onto the A69.
- 2.11 When the quarry is operational the non-haulage vehicle movements would include daily access of one van to transport quarry operators and their small tools to the site. Additionally there would be periodic visits by a low loader for the delivery and collection of quarry plant. In addition, there would also be visits to the site on a periodic basis by the quarry operator and their advisors to monitor and control extraction operations.
- 2.12 Restoration of the site would be carried out following cessation of mineral extraction which would involve regrading and reprofiling the operational quarry void with the resulting quarrying spoil and then covering with fines from the spoil. The spoil heaps will then be allowed to regenerate naturally and it is anticipated that this will encourage the colonisation of the spoil with Birds Foot Trefoil.

### **3. Planning History**

There is no recent planning history for the site.

## **4. Planning Policy**

### **4.1 Development Plan Policy**

Northumberland Minerals Local Plan (2000)

- S1 Land for mineral extraction
- S6 Operational Practices
- SA1 Sandstone
- EP3 Landscape Impact
- EP14 Economy
- EP18 Traffic
- EP19 Local communities
- EP22 Restoration and Aftercare
- EP23 Community and environmental benefits

Tynedale Local Development Framework Core Strategy (2007)

- GD4 Principles for Transport and Accessibility
- GD5 Minimising Flood Risk
- NE1 Principles for the natural environment
- EDT1 Principles for Economic Development and Tourism

Tynedale District Local Plan (2000)

- NE1 Restricting Development in the Open Countryside
- NE21 Sites of Nature Conservation Interest
- NE26 Protection of habitats of Special Importance to Wildlife
- NE27 Protection of Protected Species
- NE33 Protection of Trees, Woodlands and Hedgerows

Northumberland Local Plan Pre-submission draft (January 2019)

- STP3 Principles of Sustainable Development
- ENV7 Historic Environment and Heritage Assets
- WAT3 Flooding
- POL2 Pollution and Air, Soil and Water Quality
- MIN1 Environmental Criteria for Assessing Minerals Proposals
- MIN2 Criteria for Assessing the benefits of Minerals Proposals
- MIN3 Minerals and Landfill Site Restoration, Aftercare and After-use
- MIN11 Natural Building and Roofing Stone (strategic policy)

### **4.2 National Planning Policy**

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) - Guidance on the planning for mineral extraction in plan making and the application process (2014, as updated)

### **4.3 Other Documents/Strategies**

Northumberland Landscape Character Assessment (2010)

## 5. Consultee Responses

<p>Public Protection</p>	<p>Objection on grounds of insufficient information to assess the impact on private water supplies, contaminated land and noise.</p> <p><i>Private water supply</i> - It is the applicant's responsibility under the NPPF to demonstrate that the proposed extraction of sandstone will not adversely impact on the existing water supply. They have not provided this information despite this being raised many times by Public Health Protection.</p> <p><i>Contaminated land</i> - The applicant is proposing to spray the water from their lagoon on the surrounding land. Public Protection previously objected to this and the applicant has not addressed concerns. The updated information makes a passing reference to contamination but in regard to the prevention of contamination entering the water. They do not consider what is present in the water at the moment or when chemical contaminants may enter the water through natural process. The applicant concludes that the site is not contaminated, yet provides no evidence to substantiate this claim.</p> <p><i>Noise</i> - The applicant is proposing additional operations which were not considered during the initial noise assessment. The noise assessment will need to be updated to take into account all proposed changes to the sites operation.</p>
<p>Environment Agency</p>	<p>Objection on grounds of the risks to groundwater from the development are unacceptable. In particular, the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.</p> <p>The applicant has failed to provide:</p> <ul style="list-style-type: none"> <li>● Sufficient information pertaining to the quality and flow of Woodlands spring;</li> <li>● Sufficient information regarding the mitigation measures to protect the environmental water quality of Woodlands spring.</li> <li>● Section F-F' of the document titled 'Prudham Quarry', ref DAB/DAB16004/06 (by DAB Geotechnics Ltd) confirms that there is a natural drainage pathway and hydraulic gradient between the quarry and Woodland Spring through the sandstone. An assessment of the groundwater pathway between the blue lagoon and the Woodlands spring is required</li> </ul>

	<p>and in particular assess the relevance of the tunnel associated with the former mineral wagon way;</p> <ul style="list-style-type: none"> <li>● sufficient information relating to the Surface Water Management Plan relating <ul style="list-style-type: none"> <li>○ The volume of run off/rainfall being directed to the lagoon and</li> <li>○ The volume of run off/rainfall to be pumped/sprayed per annum and the duration. This should include a range of values including significant storm events and how this corresponds to an equivalent depth of rainfall on the spreading area available;</li> <li>○ What is the applicant proposing to do with the solids in the lagoon once they have settled:</li> <li>○ The elevation and duration of surface water retained within the quarry;</li> <li>○ How will the applicant prevent water overtopping the lagoon;</li> <li>○ How will the applicant ensure that the proposed spraying will not overwater in one area and cause flooding and/or soil erosion; and</li> <li>○ The risk of flooding (increased flows) at Woodlands spring.</li> <li>○ In addition to the above, outstanding information regarding standoffs for spraying operations; increased frequency of water quality sampling/ monitoring for sediment and pollutants arising from site drainage; and fuel spills need to be considered and mitigation measure provided.</li> </ul> </li> </ul>
Lead Local Flood Authority (LLFA)	<p>Objection on grounds of flood risk / drainage. In particular:</p> <ul style="list-style-type: none"> <li>● Method of detecting trigger point of water to be extracted from the lagoon as described in the Surface Water Management Plan is not acceptable.</li> <li>● No restoration plan submitted therefore no view on surface water runoff characteristics can be assessed.</li> </ul>
Warden Parish Council	<p>Objection on grounds including highway safety, hydrology (groundwater risks) and ecology issues. Draft conditions provided if the Mineral Planning Authority recommend approval.</p>
Newbrough Parish Council	<p>No objection to the application subject to appropriate conditions and mitigation measures.</p>

Highways	No objection subject to conditions and an informative relating to a S.59 Agreement.
Countryside/ Rights Of Way	No objection subject to condition requiring safeguarding of Warden Public Public Footpath No.6.
County Archaeologist	No objection subject to condition and a unilateral agreement for archaeological recording.
County Ecologist	No objection subject to condition relating to safeguarding Schedule 1 birds species.
Historic England	No objection.
Natural England	No objection.
Building Conservation	No objection.
Northumberland Wildlife Trust	Object on matters relating to survey data, Green Belt, Area of High Landscape Value and considered to not align with the NPPF.

**6. Public Responses**  
Neighbour Notification

Number of Neighbours Notified	135
Number of Objections	173
Number of Support	5
Number of General Comments	2

Notices

A Site Notice - Affecting LBC and PROW - 26 May 2016

A Press Notice was placed in the Hexham Courant - 27 May 2016

Summary of Responses

Objections relate to matters including impacts on ecology, protected species, noise, dust, highways, effects on residential amenity, the character of the landscape, hydrology (including groundwater, surface water and local springs) and land stability.

Support for the application is made on the grounds that there is a need to supply sandstone for conservation projects, concerns raised relating to highways, ecology and hydrology would be unfounded, there has been a quarry in this location for a considerable number of years and the proposal would stop the unauthorised use of the area for barbeques and other undesirable activities.

## 7. Appraisal

7.1 This is an application to re-open a relic quarry for the extraction of sandstone block. The main issues in determining this application are:

- Principle of the development
- Green Belt
- Landscape and visual impact
- Cumulative impact
- Impact on residential amenity
- Impact on highway network
- Impact on ecology
- Impact on ground stability
- Impact on cultural heritage assets
- Impact on surface and groundwater
- Restoration of the site

### Principle of the development

7.2 Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration. The relevant policies of the Northumberland Minerals Local Plan are generally consistent with the NPPF and can therefore be given weight.

7.3 Chapter 17 of the NPPF relates to facilitating the sustainable use of minerals. The NPPF (Paragraph 205) gives great weight to the benefits of mineral extraction, including to the economy and the maintenance of landbanks outside designated areas. Paragraph 205(f) requires the consideration of how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites. Additionally Paragraph 205(g) requires recognition of the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

7.4 Paragraph 205 requires proposals to ensure 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. Furthermore developments 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.

7.5 A further key consideration is (Paragraph 205(e)) to provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.



- 7.6 Policy S1 of the Northumberland Minerals Local Plan states that land will be made available for mineral working to allow an appropriate and efficient contribution to local, regional and national needs where the development would not result in an undue adverse impact on local communities or the environment. Policy SA1 of the Northumberland Minerals Local Plan states that proposals for sandstone quarries, including the reopening of old quarries and extensions to existing quarries will only be permitted if there is a need for material which cannot be met from existing sites and there would not be a significant adverse impact on local communities or the environment.
- 7.7 In terms of the principle of development for the proposed scheme this is supported in the policy framework set out at both the national level (NPPF) and the local level (Development Plan). Additional matters related to the potential effects of the proposal are set out within the committee report.
- 7.8 Therefore in terms of the principle of development the proposal is considered to be in accordance with the policies of the Northumberland Minerals Local Plan and Tynedale District Local Plan and LDF Core Strategy and the guidance set out in the NPPF.

### Green Belt

- 7.9 The site and the wider former Prudham Quarry is located within the Tyne & Wear Green Belt. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.10 The NPPF states (Paragraph 143) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.11 Paragraph 146 of the NPPF confirms that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include mineral extraction.
- 7.12 In terms of the purposes of the Green Belt the NPPF (Paragraph 134) confirms that Green Belt serves the following five purposes
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.13 Openness is not defined in the NPPF, however it is commonly taken to be the absence of built development and has been considered on many occasion by the courts. In *Samuel Smith Old Brewery (Tadcaster) & Others, R (on the application of) v Darrington Quarries Ltd [2017]EWHC 442 and [2018] EWCA Civ 489* it was held that, in relation to minerals operations, that a proposed

extension to an existing quarry, which would result in a permanent change to the character of landscape and long distance views and would be cut off by earth bunds and trees planted to screen the site, would not preserve the openness of the green belt in location in question. The effect on openness is therefore considered to be more than just the absence of building and yet is not simply a visual test.

- 7.14 In considering the purpose of including the application site in the Green Belt, location and the proposed development the site criteria c) of paragraph 134 is most relevant and it is therefore necessary to consider whether the proposal would constitute an unacceptable form of encroachment into the countryside.
- 7.15 In this instance, the site is located in a wooded area which although in itself is visible from relatively long distances, the proposed operations themselves would not be, even if the trees were to be removed. When considered in a more local context the relatively small scale of the operations and the nature of the extraction through the methods proposed and the relatively short period of time over which the extraction would occur, would not result in any unacceptable loss of openness in this location and would not undermine the aims of the Green Belt in this location.
- 7.16 In considering the application site, location and the proposed development the site applies to c) and it is necessary to consider the encroachment of the proposal on the Green Belt. The proposed development would be located within a former quarry and within a landscape character established with mature woodland. The proposal, in this context, would not encroach on the Green Belt and therefore does not affect or contradict the purposes of the Green Belt.
- 7.17 Having considered matters relating to the Green Belt the proposal is not an inappropriate form of development (Paragraph 146(a)), would not affect or contradict with the purposes of the Green Belt (Paragraph 134) and is therefore considered to be acceptable within the location within the Tyne & Wear Green Belt.

#### Landscape and visual impact

- 7.18 Policy EP3 of the Northumberland Minerals Local Plan requires minerals developments to take account of potential impact on the landscape during and after working. The application site and the former Prudham Quarry is an established feature within the local landscape having been previously dormant since the 1970s; therefore more than 49 years.
- 7.19 The site is located within broader Landscape Character Type (LCT) 31. Key Characteristics of this LCT include:
- Valley sides of a glacial trough between the North Pennines and the Northumberland uplands
  - Mixed-scale field pattern defined by hedges, post and wire fencing and stone walls on upper slopes.
  - Mainly pasture land to west, with increasing arable component in east on shallow slopes

- Ancient semi-natural woodland associated with natural springs and incised tributary valleys
- Characteristic waterfalls along tributary burns, particularly on north-facing slopes
- Areas of coniferous plantations and shelterbelts in places
- Historic houses, estates, and significant areas of ridge and furrow
- Nucleated settlement and areas of urban expansion
- Narrow lanes running up and down valley sides
- Well-settled and sheltered enclosed landscape

7.20 At a local level the site is within Landscape Character Area (LCA) 31b Haltwhistle to Bridge End. In this area the valley sides are characterised by a strong pattern of hawthorn hedges with hedgerow trees and areas of ancient semi-natural woodland in deep gullies which drain the upland to the north. In places the hedgerows are well managed, and are sometimes gappy. The land use is pastoral, and valley floor settlements have expanded into this area around Haltwhistle and Haydon Bridge. Pylons cross the landscape and are visually significant.

7.21 In terms of the site, the potential visual effects of the site are currently limited due to dispersed receptors, topography, mature woodland and vegetation. The nature and scale of the landscape character accommodates the former Prudham Quarry and the proposal would result in limited effects on visual amenity and the character of the local and wider landscape.

7.22 During the assessment of the application and consideration of potential effects on the landscape character from the proposal the majority of receptors were discounted due to screening afforded by topography and mature woodland and vegetation. It is therefore considered that the proposal would not result in unacceptable effects on the landscape character or on visual amenity in accordance with the NPPF and Policy EP3 of the Northumberland Minerals Local Plan.

#### Landscape Impact of Restoration

7.23 The Planning Statement submitted with the application states that the restoration of the site would involve the regrading and reprofiling of the void with the resulting quarrying spoil and then covering with fines from the spoil. The spoil heaps would then be allowed to regenerate naturally and it is anticipated that this would encourage the colonisation of the spoil with Birds Foot Trefoil.

7.24 The restoration of the site would reintroduce grasses and self-set trees and landscape features that would accord with the broader character of the landscape associated with the former Prudham Quarry. Whilst effects would occur to the landscape character upon restoration these would be temporary and not result in significant negative effects on the landscape and the local ecology in the long term. The restoration proposals are considered acceptable and in accordance with Policy EP3 of the Northumberland Minerals Local Plan.

## Cumulative Impact

- 7.25 Policy EP20 of the Northumberland Minerals Local Plan and Paragraph 205 of the NPPF advise that minerals proposals should take into account the cumulative impact on local communities and the environment. Considering the quarry would be worked on a campaign basis for approximately 6-12 weeks in any given year and there no other mineral sites in close proximity to Prudham Quarry.
- 7.26 Therefore in terms of cumulative effects including amenity (including dust and noise), highway safety, ecology and landscape character. there is limited potential for cumulative effects to occur. It is considered that the operations within Prudham Quarry would not result in unacceptable cumulative effects and is therefore considered to be in accordance with Policy EP20 of the Northumberland Minerals Local Plan.

## Impact on Residential Amenity

- 7.27 Policy EP19 of the Northumberland Minerals Local Plan requires consideration of the potential disturbance to local communities. Policy S6 of the Northumberland Minerals Local Plan aims to protect local communities through ensuring the high operational standards and long term environmental improvements.
- 7.28 Paragraph 205 of the NPPF states that when determining applications for mineral extraction Mineral Planning Authorities should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and recommends that appropriate noise limits for extraction in proximity to noise sensitive properties are established. Noise and dust are explained separately.

## Noise

- 7.29 National Planning Practice Guidance recommends that Mineral Planning Authorities set noise limits at noise-sensitive properties that does not exceed the background noise level by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) LAeq, 1hr free field without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field) between 07:00 - 19:00 (daytime limit) and should not exceed 42dB(A) LAeq, 1h (free field) between 20:00 - 07:00 (nighttime limit).
- 7.30 In terms of the potential effects on residential amenity the proposed operational hours would be 8am to 5pm Monday to Friday only, with no extraction work carried out at weekends or on Public Holidays. No operation of quarry plant or loading or transportation of mineral would take place on Sundays or on Bank or Public Holidays.

- 7.31 The nearest noise sensitive properties (as set out in the Noise Assessment) are as follows:
- Frankham Fell Boarding Kennels; approximately 345m northeast of Phase 1
  - The Old Gardens; approximately 290m to the southwest of the Phase 3
  - Prudhamstone Cottage; approximately 130m to the west of Phase 3
- Note: Distances are approximate and to the extension application boundary.*

7.32 An addendum to the Noise Assessment was submitted in August 2016 that addressed a number of initial concerns raised by Public Protection. This addendum updated the background noise survey and modelling of the quarry workings at worst case scenario in phase 1 and phase 3 (now omitted from the scheme); where all site vehicles are active and at the closest location to noise-sensitive properties. Even though phase 3 has been omitted from the proposed development, the Noise Assessment did not assess phase 2 and phase 3 has been retained for the purpose of this assessment. It therefore gives a maximum understanding to the predicted noise environment based on the proposed development. The assessment recorded a background noise level of 26 dB(A) LAeq, 1h (free field) and the following table shows the predicted site noise levels LAeq, 1hour dB(A) and difference to background levels.

<b>Noise Sensitive Property</b>		<b>Difference from Background</b>		<b>Difference from Background</b>
	<b>Phase 1</b>	<b>Phase 1</b>	<b>Phase 3</b>	<b>Phase 3</b>
Prudhamstone Cottage	32.6	+6.6	35.7	+9.3
Frankham Kennels	37.5	+11.5	39.4	+13.4
The Old Gardens	27.3	+1.3	30.6	+4.4

7.33 The noise assessment explains that the background noise level was low and that the quarry would not be able to operate either phase 1 or phase 3 without increasing the local noise environment by at least 10dB(A) LAeq and at worst by 13 dB(A) LAeq at Frankham Kennels. The assessment does show that at Prudhamstone Cottage and The Old Gardens the noise generated through mineral operations would be increased by 10dB(A) LAeq. Furthermore at no point will the proposal increase the local noise levels to breach the nighttime limit of 42 dB(A) LAeq, 1h (free field) even though the whole operation would be conducted during daytime hours. Guidance states that noise limits should not place unrealistic burdens on the mineral operator and the applicant has suggested setting a noise limit consistent with the nighttime noise limit; 42 dB(A) LAeq, 1h (free field). Therefore not placing an unrealistic burden on the operator, which is considered consistent with guidance.

7.34 The Surface Water Management Plan submitted proposes the capture of surface water and the periodical pumping of this water into a bowser that

would then be driven around two access tracks by a tractor and sprayed into the adjoining vegetation. The frequency of this activity is governed by the volume of water that has been collected which has not naturally infiltrated the surface. The aim to disperse collected surface water across a wider area and mimic rainfall to ensure there is no soil erosion.

- 7.35 The Council's Public Protection Officer has been consulted following the submission of this report and as a result requested the noise assessment to be updated to include this additional activity, the applicant's agent has refused to update the noise assessment. Public Protection have maintained their objection to the proposed citing that the noise assessment does not address this activity.
- 7.36 However, the proposed routes for the tractor and expected frequency of use would not increase the local noise environment sufficiently to breach night time noise levels at any noise sensitive properties. To ensure protection of local residents in relation to noise and would include the submission and approval of a Noise Action Plan and the setting of appropriate noise limits at the nearest noise sensitive properties

### Dust

- 7.37 National Planning Practice Guidance - Minerals states that where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study.
- 7.38 The Planning Statement submitted with the application includes a section related to air quality and explains mitigation measures to be incorporated at the site to minimise potential dust generation (however this does not constitute a dust assessment study). These include;
- hard surfacing the haul road as well as the ramp leading into the operational area;
  - soil or overburden mounds will be seeded to grass in the first planting season in order to ensure that there are no dust arising from these features in dry and windy weather;
- 7.39 The overall nature of the proposed development where extraction would be for a short period of time across a whole year and coupled with the location of the development within the wider Prudhamstone Quarry area which is covered in vegetation and planted woodland that gives shelter from the wind and would trap any airborne dust particles from travelling to local residential property. It is considered the mineral operation is not expected to generate dust that will cause any impact to local residents. To ensure protection of local residents in relation to dust a suitable condition would be needed which would require the submission of a Dust Action Plan covering dust generation mitigation, monitoring over the lifetime of the development and management of any dust related complaints.

### Conclusion

- 7.40 It is therefore considered with the inclusion of appropriate conditions covering both noise and dust the proposal would be in accordance with the following

policies and would not cause unacceptable impacts on residential amenity. Therefore the proposal is considered in accordance with Paragraph 205 of the NPPF, NPPG and Policies EP19 and S6 of the Northumberland Minerals Local Plan.

#### Impact on the Highway Network

- 7.41 Policy EP18 of the Northumberland Minerals Local Plan requires consideration of the suitability of the road network to accommodate traffic resulting from minerals workings and the potential impact on highway safety.
- 7.42 The application (addendum to the supporting statement) states that the maximum tonnage of quarry block to be removed in a year would be expected to be 800 tonnes (400m<sup>3</sup>) per annum. The export of 800 tonnes of stone a year equates to one vehicle (two movements) per day (assuming a 20 tonne payload). The application states that the quarry, due to its small scale nature would not be worked continuously over the year instead it will be worked for a 6 to 12 week period depending on demand. Therefore, in practice, the maximum number of vehicles that would export the sandstone from the quarry would be 3 vehicles (six movements) a day but there would also be significant periods where there would be no vehicular movement as there would be no activity at the quarry.
- 7.43 The County Highways Authority have been consulted on the application and have identified that the surface of the road network has the potential to deteriorate and this would require repairs pursuant to Section 59 of the Highways Act 1980, for extraordinary maintenance.
- 7.44 Subject to planning conditions and the requirement of a Section 59 Agreement under the Highways Act 1980 County Highways offer no objection and it is therefore considered that the proposal is in line with the requirements of Policy EP18 of the Northumberland Minerals Local Plan and Policy GD4 of the Tynedale LDF Core Strategy.

#### Impact on Ecology

- 7.45 Policy EP22 of the Northumberland Minerals Local Plan requires high quality restoration and aftercare to minerals sites able to deliver long term environmental benefits. NPPF Chapter 15 advises on conserving and enhancing the natural environment and that development proposals should minimise the impacts on biodiversity and provide net gains where possible.
- 7.46 The Phase 1 habitats and protected species survey report explains the extraction area of the application site includes habitats limited to bare quarry faces and areas of spoil that have become re-colonised with grass, shrubs, small patches of heather and trees. The access track and storage area, is colonised with scrub and heather. The application site has no records of badger, bats, reptiles or amphibians including great crested newts within.
- 7.47 Adjacent to the extraction area to the north is the large pond (Blue Lagoon) where aquatic vegetation is very limited with few invertebrates present and eDNA testing proved Great Crested Newts are not present.

- 7.48 The land surrounding the application site is discarded quarry spoil with minimal soil coverage. Plantation woodland, mainly Norway Spruce with some Scots Pine dominates with young trees site has extensive mature woodland and natural habitats have established by way of the natural processes.
- 7.49 The application site is within the wider Fourstones & Park Shield Quarry Local Wildlife Geo Site. This Local Wildlife Geo Site was designation due to geological reasons and not ecology; the locality provides a complete section of the strata of the Middle Limestone Group.
- 7.50 The County Ecologist has been consulted throughout the lifetime of the application and initial concerns in terms of the omission of ecological surveys able to establish the presence of species and their habitats was removed once the correct surveys were submitted by the applicant.
- 7.51 In terms of the Local Wildlife Geo Site, whilst the application site is located within this designation the County Ecologist has confirmed that the areas of interest within the Local Wildlife Geo Site have a separation distance from the proposed operations and a limited / negligible impact would occur to areas of interest within the Local Wildlife Geo Site.
- 7.52 The County Ecologist confirms, having assessed the additional information and proposed operations subject to the inclusion of suitably worded conditions, including safeguarding Schedule 1 birds, raises no objection. It is recognised that Northumberland Wildlife Trust object on matters relating to survey data, Green Belt, Area of High Landscape Value and consider that the proposal does not align with the NPPF.
- 7.53 In terms of the potential effects on the natural environment the application has been assessed and the effects are either acceptable, offer positive benefits to the environment or can be mitigated through appropriate conditions. Therefore considered that the proposal is in line with the requirements of Policy EP22 of the Northumberland Minerals Local Plan and policies contained within the Tynedale LDF Core Strategy and Local Plan relating to nature conservation.

#### Impact on Ground Stability

- 7.54 NPPF Section 15 paragraph 170 states that when making decisions new development should not contribute to, be put at unacceptable risk from, or being adversely affected by, amongst other natural environment considerations, land instability. Paragraph 178 also comments that when making decisions the risks arising from former activities such as mining should be taken into account. The risks being land instability and contamination.
- 7.55 Prudham Quarry has numerous spoil tips between the application site (and specifically the extraction area) and any of the nearest residential properties; Frankham Fell Boarding Kennels; approximately 345m northeast of Phase 1; The Old Gardens; approximately 290m to the southwest of the Phase 2; Prudhamstone Cottage; approximately 130m to the west of Phase 2. The spoil tips across the site are vegetated where vegetation roots binds the spoil



together and reduce the risk of erosion and instability. The trees on the spoil tips are all growing vertically which is a sign that the land has not undergone movement.

- 7.56 A Hydrogeology & Stability Report has been submitted to support the application. This noted the large standoffs from the extraction area to the nearest properties. The existing tips remain stable since their formation and the proposed quarry activity at the site would not destabilise them.
- 7.57 The submitted report further explains the Quarry Regulations and procedures which are managed by the Health and Safety Executive. Explaining that if planning permission was granted, the site would be subject to these regulations which are in place to protect quarry operatives and members of the public through the operation of any quarry. One requirement of the regulations is that all quarries prepare a geotechnical assessment which is then updated within a timescale dictated by the Health and Safety Executive. These assessments are to identify and assess all factors liable to affect the stability and safety of a proposed or existing excavation or tip.
- 7.58 It is noted that objection letters raise concern over land stability. In terms of the effect the proposed development could have on the natural environment. Consideration has been given and there is no evidence the application site or the wider area of the former quarry are affected by land stability issues. It is not considered the proposed quarry development and particularly the extraction method and surface water storage lagoon would contribute to destabilizing the application site or the wider Prudham Quarry. Therefore considered that the proposal is in accordance with Section 15 of NPPF.

#### Impact on Cultural Heritage

- 7.59 Section 66 of the Planning (Listed Building and Conservation Areas) Act (1990) (as amended) requires Local Planning Authorities when considering proposals for development which may affect a Listed Building or its setting, to 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. Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development in a conservation area.
- 7.60 NPPF Section 16 states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. Paragraph 193-196 sets out the degree of 'harm' that may be caused by development that potentially affects the setting and significance of heritage assets.
- 7.61 Historic England and the Building Conservation Officer have been consulted and in terms of the potential harm on Listed Buildings raise no objection. The County Archaeologist has been consulted and initially requested further information as to the potential for archaeological features relating to industrial heritage at the site. Following further dialogue with the County Archaeologist, the application has been assessed and it is considered acceptable subject to a condition related to the monitoring and recording of heritage assets.

7.62 In terms of listed buildings, the mature trees and topography would screen the operations and will serve to separate the site further from Listed Buildings. The proposals are not considered to result in any harm to the character or setting of any designated heritage asset. Additionally, there would be no harm on their significance, setting or value as a result of the proposals. It is considered the proposal is in accordance with paragraphs 193-196 of the NPPF.

#### Impact on surface and groundwater

7.63 Chapter 14 of the NPPF is concerned with flood risk. Paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

7.64 Chapter 15 of the NPPF is concerned with conserving and enhancing the natural environment. Paragraph 170 states that when making a decision on a planning application then new and existing development should be prevented from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, where possible, help to improve local environmental conditions such as water quality.

7.65 In terms of surface and groundwater, quarrying operations in general have the potential to impact on the local water table (groundwater) through creating excavations within the water table and cause effects to the management of surface water through altering existing water infiltration rates and water flows to off site catchments. Potential alterations to water flows can impact on aquifers and local springs within proximity to the site.

7.66 The site has a varied geology and the submitted Hydrology Report by Dr D.E.Henderson (July 2015) explains the following:

- The quarry is in the Alston Formation sandstone but with limestone, mudstone and siltstone also present in the area.
- The local solid geology is part of a Secondary A aquifer.
- Private water supplies which are relevant to the local hydrology are a borehole at the nearby Prudhamstone House and a spring at Frankham Fell. An old well at Prudhamstone House (approximately 300 m west of the quarry) had a level of 155.73 mAOD on 11th May, 2015. A new deeper well at the property was drilled to around 95 mAOD.
- A spring was also identified within the grounds of a property known as 'Woodlands' which is located approximately 500 m south west of the quarry and at an elevation of 130 mAOD.
- A large pond has formed in the disused workings and has an unusually high conductivity and a lower than normal pH. This suggests that the water in the large pond is mainly collected rainfall and likely connected to a layer of shallow groundwater.

- The measurement of water quality parameters at the Woodlands property has similar characteristics to the main quarry pond suggesting that the Woodlands property spring water is sourced from the groundwater at a similar level
- The relatively shallow groundwater body higher in the hill sits on a layer of relatively low permeability geological materials but the shallow groundwater passes slowly through this layer to reach the main groundwater body deeper in the hill.
- If the extraction of sandstone from the quarry is (i) limited to the area indicated by BSQ, (ii) carried out by suitable methods, and (iii) within the constraints detailed within BSQ's extraction proposals, i.e. above the water table and not below a level of 160mAOD, the reopening of Prudham Quarry for the extraction of sandstone for dimension stone should not have an impact on groundwater within the hill. Also, so long as all normal procedures relating to environmental controls are followed, the proposed reworking of the quarry should not present a surface water or groundwater contamination hazard.

- 7.67 During the course of the application the applicant and their consultant that manages hydrological aspects have been in ongoing and detailed discussions with the Environment Agency, Public Protection and the Lead Local Flood Authority in order for the appropriate assessments to be identified and undertaken so the potential risks posed by the development to groundwater can be satisfactorily understood and managed. The spring at Woodlands is highlighted as being potentially impacted by the proposed development.
- 7.68 The proposed development has changed and phase 3 has been omitted to remove the impact the development could have on groundwater; phase 3 proposed to excavate from within the shallow groundwater level. The applicant / agent have submitted further reports to explain the hydrology and geology of the local area which shows that the spring at Woodlands is the only receptor hydrologically connected to the quarrying activities. A Surface Water Management Plan has been submitted to address the collection and disposal of surface water therefore limiting the potential impact on groundwater.
- 7.69 The Environment Agency, Lead Local Flood Authority and Public Protection have all maintained their objections to the proposed development through many consultations. The last consultation exercise was carried out in January 2019 based on the submission of the Surface Water Management Plan.
- 7.70 The Environment Agency object to the planning application because the risk to groundwater from the development are unacceptable. In particular the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.
- 7.71 The Lead Local Flood Authority object to the proposed development on flood risk / drainage grounds. Public Protection object to the proposal on the grounds of insufficient information to assess the impact on Woodlands Spring.
- 7.72 The planning application having three outstanding objections from statutory consultees concludes that the proposal has not adequately addressed the concerns raised and may pollute groundwater. The proposal is therefore

contrary to paragraphs 163 and 170 of NPPF and policy GD5 of the Tynedale LDF Core Strategy and is therefore unacceptable

## Restoration

- 7.73 Policy R1 of the Northumberland Minerals Local Plan states that permission will only be granted where proper provision has been made for reclamation of the site, as soon as possible, to a condition suitable for the identified after-use. Policies EP22 and SM1 of the Northumberland Minerals Local Plan state that proposals will only be permitted where the operators' proposals for the operation, restoration and aftercare of the site are acceptable.
- 7.74 The policies of the Paragraph 205 of the NPPF require applications and proposed developments to provide for restoration and aftercare at the earliest opportunity and to be carried out to high environmental standards.
- 7.75 The Planning Statement states the intention is to regrade and reprofile the void with the resulting quarrying spoil and then cover with fines from the spoil. The spoil heaps will then be allowed to regenerate naturally. It is anticipated that this will reintroduce grasses and self-set trees and encourage the colonisation of the spoil with Birds Foot Trefoil.
- 7.76 The application did not include an indicative restoration plan where it would be expected the plan would express how the site restoration contours would tie into surrounding ground levels and overall how the site would be regraded. This indicative restoration plan has been requested during recent consultations and has not been submitted. Therefore the assessment of the sites restoration cannot be completed and a final conclusion cannot be reached.
- 7.77 The Lead Local Flood Authority through the recent consultation exercise also highlighted this omission. The reason for the Lead Local Flood Authority to object to the planning application also included the lack of details submitted which look at restoration of the development site and the future characteristics of surface water runoff.
- 7.78 Notwithstanding that the overall ethos of the restoration scheme which is considered acceptable to the County Ecologist subject to conditions related to aftercare. With the omission of this indicative restoration scheme there is a lack of information to draw a conclusion on the restoration of the site. It is also considered that this cannot be secured by a condition. Therefore it is considered that the proposal is contrary to Policies R1, EP22 and SM1 of the Northumberland Minerals Local Plan.

## Other Matters

### *Equality Duty*

- 7.79 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the

responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### *Crime and Disorder Act Implications*

- 7.80 These proposals have no implications in relation to crime and disorder.

#### *Human Rights Act Implications*

- 7.81 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 7.82 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 7.83 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

- 8.1 This is an application for the extraction of sandstone within the former Prudham Quarry.
- 8.2 The potential effects, individually and cumulatively of the proposed development have been assessed in terms of matters including ecology, residential amenity, ground stability, heritage (Listed Buildings and archaeology), highways and hydrology (including groundwater and surface water).

- 8.3 Consideration has been given to the potential impact on nearby Listed Buildings and other heritage assets. Considerable weight has been given within the planning balance to the potential impacts and it is considered that the proposal would not result in harm to heritage assets.
- 8.4 The working methods proposed by the applicant has been assessed and the working and proposals are acceptable in relation to their potential effects and impacts on residential amenity, highways and ecology subject to the imposition of conditions.
- 8.5 The proposed restoration of the application site cannot be fully assessed due to no indicative restoration plan was included within the planning application. A restoration plan has been requested however has not been submitted at the time of writing this report. The Lead Local Flood Authority object to the application for this reason.
- 8.6 The Environment Agency, Public Protection and Lead Local Flood Authority object to the application. Their objections have been continual through the management of this planning application and even through further reports submitted by the applicant/agent have aimed to address concerns, they have not been satisfied. Both the Environment Agency and Public Protection cite the applicant has not supplied adequate information. The Environment Agency state within their response that adequate information has not been submitted to demonstrate that the risks posed to groundwater can be satisfactorily managed. Public Protection state insufficient information to assess the impact on Woodlands Spring. The Lead Local Flood Authority object on the details contained within the Surface Water Management Scheme.
- 8.4 It is noted that the Northumberland Wildlife Trust object to the application as do local residents in terms of ecology, habitats and species at the site. On balance the County Ecologist has confirmed that the areas of interest within the Local Wildlife Site would not be directly affected by the proposed development, furthermore identified species are able to be safeguarded by condition (and are also protected by separate Legislation including the Wildlife and Countryside Act 1981).
- 8.5 The proposal has been assessed against the relevant policies in the Minerals Local Plan and the advice on minerals extraction set out in the NPPF and NPG. It is critical to note the two outstanding issues that have not been resolved; there is insufficient information to demonstrate that the risks posed to groundwater can be satisfactorily managed and there is sufficient information to assessment the restoration proposal. These two outstanding issues have been given considerable weight and are considered to outweigh any positive benefits associated with the proposal. It is considered that without the applicant addressing these issues to the satisfaction of the Environment Agency, the Lead Local Flood Authority and Public Protection the proposal cannot be considered acceptable. Therefore, the proposal to be unacceptable and not in accordance with the development plan and all other material considerations.

## **9. Recommendation**

That this application be REFUSE permission subject to the following:

### Reasons:

01. The proposal has not demonstrated that the risks posed by the development to groundwater can be satisfactorily managed. Therefore the proposal is contrary to paragraph 163 and 170 of the NPPF and Policy GD5 of the Tynedale LDF Core Strategy.
02. The proposal is for mineral extraction and for associated restoration. The proposed restoration scheme cannot be fully assessed due to the lack of submission of an indicative restoration scheme. This is contrary to the NPPF and Policies R1, EP22 and SM1 of the Northumberland Minerals Local Plan.

**Background Papers:** Planning application file(s) 16/01458/CCM