

NORTHUMBERLAND COUNTY COUNCIL

STRATEGIC PLANNING COMMITTEE

At a meeting of the **Strategic Planning Committee** held in the **Council Chamber, County Hall, Morpeth, NE61 2EF** on **Tuesday 7 May 2019** at **4.00 pm**.

PRESENT

Councillor CW Horncastle

MEMBERS

Armstrong E
Flux B
Gibson RM
Gobin JJ
Hepple A
Ledger D

Moore R
Reid J
Stewart GM
Swithenbank ICF
Thorne TN

OFFICERS

Blyth K
Hadden D
Little L
Murfin R
Plaice G
Robbie K

Principal Planning Officer
Solicitor
Democratic Services Officer
Director of Planning
Environmental Health Officer
Senior Planning Officer

ALSO PRESENT

Press/ public: 11

91. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Parry, G Renner-Thompson and M Robinson.

92. MINUTES

RESOLVED that the Minutes of the Strategic Planning Committee held on Tuesday 2 April 2019, as circulated, be agreed as a true record and signed by the Chair.

**93. 17/04633/VARCCM and 17/04637/VARCCM
Divet Hill Quarry, Capheaton, Newcastle Upon Tyne, Northumberland**

NE19 2BG 17/04633/VARCCM

Variation of conditions 1 (time limit), 7 (final landform and contours), 21 (noise levels), 32 (restoration in accordance with plans), 47 (restoration details), 49 (soil restoration), 51 (scarification and surface picking), 56 (rooting and stone removal), 60 (soil redistribution), 74 (grass seeding), 76 (restoration plan) and 91 (aftercare period) pursuant to planning permission 07/00160/CCMEIA in order to permit extraction operations to continue until 31/12/2021 and subsequent restoration of the site by 31/12/2023 and to allow a proposed amendment to the restoration scheme and timescales for its implementation.

17/04637/VARCCM

Variation of conditions 1 (time limit), 2 (approved plans), 7 (final landform and contours), 20 (noise limits), 21 (temp noise levels), 28 (levels and boundaries), 44 (soil replacement), 46 (soil replacement), 56 (contours), 68 (short-term grass seed), 70 (Naturally Regenerating Grassland) and 85 (aftercare management) pursuant to planning permission 16/04140/VARYCO in order to extend extraction operations into new areas of existing quarry, amend the restoration scheme and prolong the life of the quarry by 3 years.

An update was circulated to the Committee with time allowed for Members to read the additional information which provided details of an amended condition 17 to be attached to any permission granted as follows:-

“With the exception of soil and overburden removal or replacement and the construction or removal of screen mounds and drilling, noise from the development shall not exceed the level specified for the locations set out below:

| | |
|------------------|---------------------------------|
| Newonstead Farm | 45 dB(A)Laeq (1 hour) freefield |
| Little Bavington | 44 dB(A)Laeq (1 hour) freefield |
| Homilton Farm | 46 dB(A)Laeq (1 hour) freefield |
| Clay Walls | 41 dB(A)Laeq (1 hour) freefield |
| Great Bavington | 43 dB(A)Laeq (1 hour) freefield |
| Bavington Mount | 45 dB(A)Laeq (1 hour) freefield |

Noise from the development between the hours of 22:00 and 7:00 shall not exceed a maximum noise level of 42 dB(A)Laeq (1 hour) freefield at any of the locations.

Reason: In the interests of the amenity of the area (Policy SM1 of the Northumberland Minerals Local Plan).”

The Director of Planning advised that this revised condition related to the tightening up of noise levels and the inclusion of an additional location of Bavington Mount. Condition 15 amended the timing of operation of the crusher on the site. An introduction which covered both applications was provided and included a slideshow presentation. The Director of Planning advised that the site was already covered by

conditions and if Members of the Committee considered that they did not want these conditions to change then the applications before them should be refused.

M Archbold addressed the Committee speaking in objection to the applications. His comments included, but were not restricted, to the following:-

- As he had not been aware of changes to noise levels and addition of Great Bavington in condition 17 prior to the meeting his speech would still contain comments in relation to this.
- He had resided in his property which was 1km from the quarry for approximately 30 years and had no issues until the summer of 2017 when noise from the site became obtrusive both inside and outside from 6am and continued all day.
- Following an objection sound monitoring had been undertaken however this had failed to capture the level or type of noise which was being suffered and the situation was still unresolved.
- They were still being woken at 6am and could not use their garden despite their repeated objections. Sounds of crushing, loud impact noises, vehicle horns sounding whilst reversing continued to be heard and had been reported to the quarry with no feedback being received and therefore in 2018 he had started to keep a diary.
- Whilst he was happy that noise levels would now be taken from Great Bavington and that the start time for the crusher had been amended to 7am once new conditions had been implemented, he advised that he was not happy with the way in which the noise condition had been derived. The information had been based on a flawed background noise assessment with the tabled results copied and pasted for Great Bavington which Public Protection had taken at face value and their recommendations used to inform the noise condition.
- With reference to paragraph 2.5 of the report he advised that the condition had been based on background noise levels heard over two hours on one day which could not provide accurate data and did not reflect daily/seasonal changes. He advised that if this had been an application for a wind farm then background noise would be required to be measured over 10 days across two seasons.
- There were regularly two crushers working on the site and therefore the noise levels were significantly higher.
- Paragraph 7.10 of the report advised that the proposed noise limits had been assessed and accepted he questioned why the report contained higher levels with no explanation given for the higher figures, this needed to be looked at again.

At this point the Director of Planning advised that on reviewing the case it had been found that the figures used were incorrect and had resulted in the revised condition 17 as tabled at the beginning of the item. The noise levels now being proposed were very low and would set a challenging target for the applicant to achieve. Noise levels applied across the site and the targets which they were measured against remained the same no matter how much equipment was being used. As it was important that the operator was aware of any issues as they occurred, contact details had now been passed to the objector to report any issues.

D Wilkins addressed the Committee speaking in support of the application. His comments included the following:-

- Offered thanks to the Officers for the report.
- Advised that Whinstone /hard rock was found in limited areas within Northumberland and was used in aggregate for the construction industry with their products in high demand for such projects as the upgrade to the Silverlink junction on the A19.
- The quarry was a rural employer with 10 employees based on the site and provided employment for others through hauliers and contractors and contributed to the local economy through business rates and the aggregate levy.
- The site had operated since the 1930's with the current operating permission granted in 2016 and extension since 2007. The application was to allow an extension into a new part within the boundary of the site and to extend the timescale for the operation and restoration of the site.
- A new restoration scheme for the site had been developed which included the provision of new grassland and woodland of which 6 hectares would be Whin grassland as opposed to the previous 3 hectares.
- The operators had been proactive and met residents. Noise monitoring had been undertaken in conjunction with Public Protection and Planning Officers with noise levels being adhered to and a new complaints procedure introduced which would allow them to respond to any incidents as they happened.
- If the application was granted then the operations would move and increase the separation distances from properties with crushing activities starting an hour later with noise mitigation management in place.

In response to questions from Members of Committee the following information was provided:-

- The background noise levels were low and the noise levels to be imposed on the site were based on those low levels with modern and enforceable conditions imposed.
- Public Protection had advised that the only complaints received regarding the site were in connection with noise. The noise management scheme was conditioned and would require ongoing monitoring both inside and outside of properties. Unannounced visits would be made to the site which was a standard way of controlling sites. These proposed noise levels were very low. It was confirmed that the Local Planning Authority had a good relationship with the operator of the site.
- When establishing grassland it was more beneficial to have lower level of nutrients.
- The aftercare of a site was important, and as it would be very detrimental if the operators of an opencast coal site went into administration at the very worst time when there was a very big void which would need restoration work to be undertaken at the Local Authority's expense, a Bond would usually be requested at the outset. Aggregates were removed over a longer period of time i.e. on this site since the 1930's, and phased restoration undertaken with

aftercare as part of the conditions of the site and therefore no bond was required on this site.

- Tree planting that had been undertaken in the area was not thought to be in the red line boundary of this site.

Councillor Thorne proposed acceptance of the officer recommendation to approve application 17/04633/VARCCM with condition 17 amended as above which was seconded by Councillor Stewart. Councillor Gibson advised that the quarry was close to his ward and he passed the site regularly, it was a good employer and the site was well run. Councillor Moore welcomed the revised restoration plan and asked that with any future applications of this type that the provision of a bond be considered.

A vote was taken and it was unanimously

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and the amended condition 17.

Councillor Thorne proposed acceptance of the officer recommendation to approve application 17/04637/VARCCM with condition 17 amended as above which was seconded by Councillor Stewart and following a vote it was unanimously

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and the amended condition 17.

94. 16/01458/CCM

Extraction of sandstone

Prudham Quarry, Newbrough, Northumberland

Late objections were circulated to Members at the beginning of the item with the Chair allowing sufficient time for all Members to read these. Copies of the objections had been uploaded to the Planning Portal.

The Director of Planning introduced the report to the Committee with the aid of a powerpoint presentation. He informed Members that the application had been with the Local Planning Authority since 2016 and following his appointment a full review and evaluation of the application had been undertaken. He highlighted the outstanding objections from the Environment Agency, Local Lead Flood Authority and Public Protection and advised the Committee that the concerns of these statutory consultees, who had responsibility for water and hydrology must be taken seriously and great weight given to them during their consideration of the application. If Members were minded to agree the application then he would ask that the application be deferred and brought back to Committee to allow further consideration and conditions to be attached.

D Curry addressed the Committee speaking in objection to the application. His comments included, but were not restricted, to the following:-

- He owned the Woodlands with his wife and the spoil heaps arose high behind their house. Woodlands spring which was connected to the Blue Lagoon came

to life in 2013 and flooded their garage with flooding keep occurring a pump was required to be installed. The spring was connected to a tunnel which was now buried.

- He had concerns regarding contamination of the spring water which he regularly used as the proposal was to move all the water to the holding lagoon.
- Flooding had commenced after very large samples were taken from the quarry in 2013 with one being removed from a containment bund and concern was expressed that in the worst case scenario this could fail.
- Instability was a risk due to the tunnel below the spoil heap with a landslide a possibility. He advised that previously the applicant had to be told to stop by a neighbour due to their very great concern that this would happen.
- The Environment Agency had also raised concerns regarding the stability of the tunnel.
- The figure of 4,000 tonnes following removal of phase 3 did not add up.

The Director of Planning advised that the application was recommended for refusal. If the application had been recommended for approval then the applicant would need to spend a considerable amount of money in providing the additional information requested. Due to the objection from the Environment Agency it was not considered fair to ask the applicant to incur this expense at the present time as there were sufficient reasons to refuse the application.

Councillor RM Tindall addressed the Committee speaking on behalf of Warden Parish Council. His comments included, but were not restricted, to the following:-

- Following submission of the application 3 years ago, Warden Parish Council had held a special meeting regarding this with 60/70 people in attendance. With the majority against the application the Parish Council expressed their concerns regarding road safety, groundwater and ecology issues.
- Whilst the applicant had made numerous changes the Parish Council could not accept that they adequately addressed concerns.
- There had been 173 objections to the application with only 5 expressing support and he questioned why it had taken so long to bring the application to Committee.
- He questioned whether the intention of re-opening the quarry was to stockpile the stone in the hope that historical buildings would decay.
- He advised that the Highways Agency's preferred route out of the site was to turn left towards the Military Road, however the applicant had indicated that a loaded lorry could not cope with the steep gradient. He highlighted issues with lorries turning right out of the site due to cars parking in Jubilee Terrace, the number of bends on the road, the fact that the road was a bus and cycle route and lorries would need to turn right from this onto the A69 at a blackspot.
- He advised that the Parish Council had concerns regarding wildlife with Schedule 1 birds nesting in the area which would be disturbed by the increase in noise.
- In relation to the statement that there were no badger sets, he advised that he could direct Members to two well established sets within 500m of the application site.

K Wood, Agent for the applicant, addressed the Committee speaking in support of the application. She advised that the applicant had sought to work with officers, however they did not agree with the reasons for refusal based on groundwater, but they would accept this decision at the present time. The applicant was confident these objections could be addressed and therefore they would continue to work with officers and submit a new application in due course.

In response to a question the Committee was advised that the reasons for refusal of the application were due to concerns from statutory consultees and no conjecture could be given on the reason for the application. Officers could continue to work with the applicant to allow them to present their best case in relation to a new application, however the period for this application had now been exhausted and a decision was required.

Councillor Flux proposed acceptance of the officer recommendation to refuse the application for the reasons outlined in the report which was seconded by Councillor Hepple.

Councillor Gibson advised that this quarry was in his ward with the Company making the application also running another two. Both of these were worked in a different way with no spoil heaps and were run very well on a part time basis with blasting and pick up as and when required. In relation to this application this was a massive spoil heap with no indication of what was underneath and therefore he agreed with the statutory consultees and highlighted it would only take one mistake to cause real trouble. A number of Members outlined their support for the recommendation to refuse on the basis of the very strong advice from the statutory consultees which the Committee could not ignore.

A vote was taken and it was unanimously

RESOLVED that the application be **REFUSED** for the following reasons:-

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

95. PLANNING APPEALS

RESOLVED that the information be noted.

The meeting closed at 5.35 pm.

CHAIR _____

DATE _____