

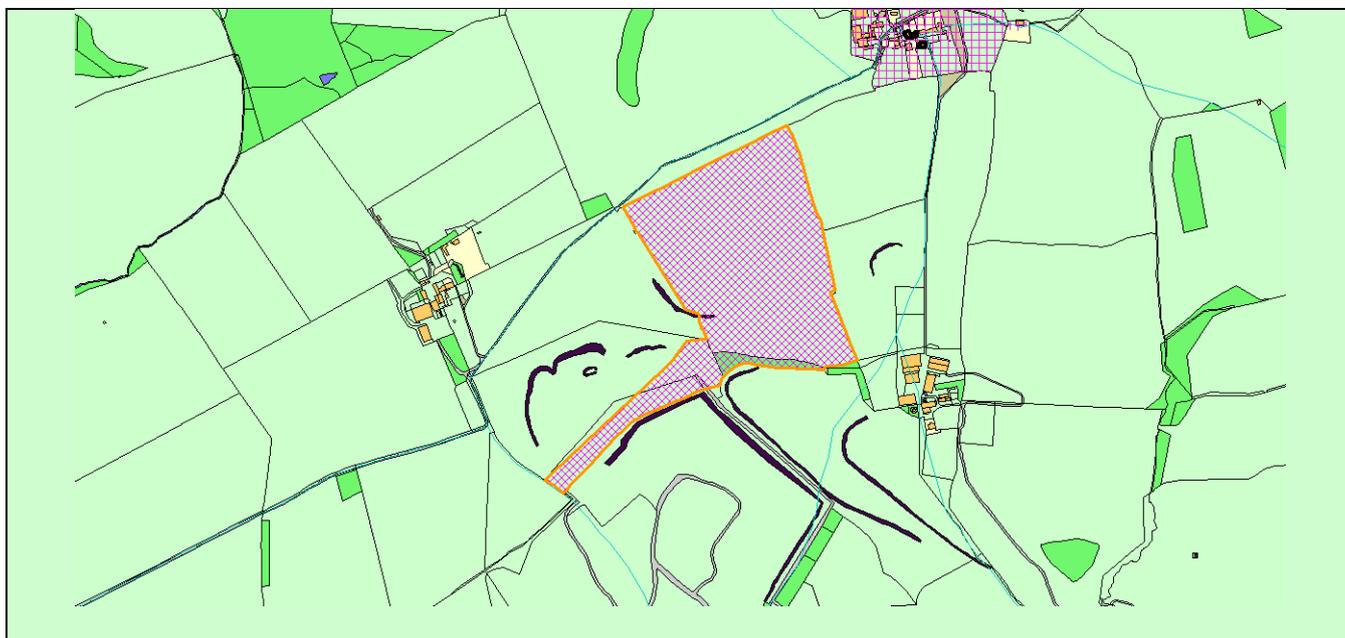


# Northumberland County Council

## Strategic Planning Committee 7 June 2022

<b>Application No:</b>	20/03660/CCMEIA		
<b>Proposal:</b>	Lateral extension to north of existing quarry boundary for the phased extraction of approximately 2.7 million tonnes of whinstone and restoration of site to agricultural grassland and nature conservation uses.		
<b>Site Address</b>	Divet Hill Quarry, Capheaton, Newcastle Upon Tyne, Northumberland NE19 2BG		
<b>Applicant:</b>	Breedon Southern Ltd C/O Agent.	<b>Agent:</b>	Mr Donald Wilkins 2 Kilmartin Place, Tannochside Park, Uddingston, G71 5PH
<b>Ward</b>	Bellingham	<b>Parish</b>	Bavington
<b>Valid Date:</b>	30 October 2020	<b>Expiry Date:</b>	30 June 2022
<b>Case Officer Details:</b>	Name: Mr Gordon Halliday Job Title: Planning Consultant Tel No: 07785 727053 Email: gordon.halliday@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



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## 1. Introduction

1.1 This planning application represents major development and is the subject of Environmental Impact Assessment. Therefore it is required to be determined by the Strategic Planning Committee.

## **2. Description of the Proposal**

2.1 The application is for a lateral extension to the north of the existing Divet Hill quarry. An application has also been submitted to amend conditions attached to an existing planning permission for the quarry (17/04637/VARYCCM). That application (20/03661/VARCCM) is the subject of a separate report on the agenda for this meeting.

2.2 The application site is located 14 kilometres north of Hexham and Corbridge. From the A68 road, the B6342 passing Hallington reservoirs leads to the quarry beyond which lies Little Bavington approximately one kilometre further east. The nearest properties to the proposed northern extension area are Clay Walls (160 metres to the east), Newonstead Farm (370 metres to the north / north west) and Great Bavington (280 metres to the north east). The Bavington Crags SSSI is located to the north of Great Bavington, approximately 350 metres north of the proposed northern extension area.

2.3 It is proposed to extract approximately 2.7 million tonnes of whinstone from 15 hectares of land. The application site currently is a field of improved grassland, a craggy outcrop of whin sill and rough grassland to the south. The proposed extraction area excludes the craggy whin sill outcrop. It is anticipated that production will be similar to the existing level of about 300,000 tonnes per annum, which would mean 9 years production.

2.4 The mineral extends to between 10m and 15m below the surface and would be worked in a single bench. Soils and overburden would be progressively stripped and used to create screening mounds initially along the eastern boundary of the site and latterly along the northern boundary as mineral extraction operations move from south to north in 3 phases. Blasting would be required to fracture the mineral and would take place typically once every two weeks. The stone would be loaded onto dump trucks using an excavator and transported within the site to the existing quarry for crushing, processing, stocking and despatch to market. The processing plant, including crushers, screeners and wheeled loading shovels would be located within the existing quarry area. The mineral would be loaded on to heavy goods vehicles and despatched via the B6342 road. As at present, some mineral would be used on site for the production of asphalt.

2.5 No changes are proposed to the existing approved working hours at the quarry or to the existing approved numbers of lorry movements.

2.6 A restoration scheme has been submitted covering the existing quarry site and the application area. The scheme reflects the existing approved restoration scheme and would be undertaken progressively whilst extraction operations continue and for two years after final extraction.

## **3. Planning History**

3.1 Divet Hill is a long established quarry that was originally worked in the early 20<sup>th</sup> century. Since 1948 and the introduction of planning controls the quarry has operated under a number of planning permissions. The quarry currently operates under the following two planning permissions granted in 2019.

- Planning permission 17/04633/VARCCM covers the northern extent of the existing quarry (7.2 hectares), containing the current and most recent mineral extraction area.
- Planning permission 17/04637/VARCCM covers the rest of the existing quarry (39.6 hectares), including the access road, site offices and weighbridge, service areas, asphaltting plant, processing plant, water management areas, the Divethill Farm consented extraction area and former extraction areas that have been restored or are under restoration.

3.2 Both of these permissions required the cessation of quarrying operations by 31 December 2021 and the completion of restoration work by 31 December 2023. At the date of submitting the current application it was estimated that there were less than 12 months of mineral reserves remaining in the area covered by permission 17/04633/VARCCM and in addition there was some remaining reserve under the redundant Divethill Farm buildings located centrally within the existing quarry area. The operator has subsequently demonstrated that the permitted reserves will become exhausted in June 2022.

3.3 Breedon Southern Ltd. operates the quarry and has submitted the current application. Breedon acquired the site from CEMEX together with various other CEMEX sites in the UK in July 2020.

3.4 The details of recent planning applications at the site are set out below.

**Reference Number:** 17/00726/SCOPE

**Description:** Scoping opinion for Divet Hill Quarry.

**Status:** SCOPE

**Reference Number:** 17/04633/VARCCM

**Description:** 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 re-distribution), 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.

**Status:** PER

**Reference Number:** 17/04637/VARCCM

**Description:** 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 area of existing quarry, amend the restoration scheme and prolong the life of the quarry by 3 years.

**Status:** PER

**Reference Number:** 19/03449/DISCON

**Description:** Discharge of conditions: 19 (Noise Management), 26 (Soil Management) and 38 (Aftercare Scheme) and 42 (Heritage Asset Survey) related to planning approval 17/04633/VARCCM

**Status:** PER

**Reference Number:** 19/03914/DISCON

**Description:** Discharge of conditions: 19 (Noise Management), 26 (Soil Management) and 38 (Aftercare Scheme) and 42 (Heritage Asset Survey) related to planning approval 17/04637/VARCCM

**Status:** PER

**Reference Number:** 20/03661/VARCCM

**Description:** Variation of conditions 1 (duration of operations), 2 (approved plans), 17 (noise) and 30 (restoration) of planning permission 17/04637/VARCCM to extend the duration of consented operations, amend the approved documentation associated with the operation and amend the noise limits applicable to the operation

**Status:** Pending

#### 4. Consultee Responses

Bavington Parish Council	Object on the grounds that the proposal represents a threat on a different scale to any previous application at the quarry. It would bring quarrying operations very close to the Great Bavington Conservation Area and residential properties, resulting in excess noise, both in relation to blasting and subsequent quarry operations. There would be an unacceptable risk of dust and significant adverse impact on the setting of the Conservation Area. The local community have lived with the quarry over a number of years but the current proposal is unacceptable for the above reasons.
Natural England	No objection. The proposed development will not have likely significant environmental effects on statutorily protected sites.
Historic England	<p>On the basis of the further information submitted on the impact of the proposal on the Great Bavington Conservation Area, do not wish to offer any comments but would instead defer to the specialist conservation and archaeological advisors.</p> <p>Historic England had originally expressed concerns that the extension would bring the workings considerably closer to the Great Bavington Conservation Area and recommended that the applicant submits a more thorough analysis of setting impact on the conservation area in line with 'The Setting of Heritage Assets: Good Practice Advice in Planning 3'. That information was subsequently submitted.</p>
Environment Agency	<p>No objection. The applicant has submitted information that demonstrates that neighbouring springs and private water supplies will either not be impacted and / or will be protected through mitigation measures. The Agency's own assessment corroborates the impact assessment.</p> <p>The Agency originally objected because of the risks to groundwater from the development. The applicant had not supplied adequate information to demonstrate that the risks posed to groundwater could be satisfactorily managed. To overcome the objection the applicant was asked to provide further justification that the private water supplies and the springs will either not be impacted or will be protected through</p>

	mitigation measures. The Agency set out the information that it needed to be submitted. This information was subsequently submitted enabling the Agency to withdraw its objection to the proposal.
County Highways	<p>No objection subject to conditions in the interests of amenity and road safety.</p> <p>County Highways had originally required the applicants to submit further information showing any mitigation measures or clearer plans showing that the proposed works will not adversely impact the U5012 road. The applicants subsequently supplied a technical note to demonstrate that the road would not be impacted.</p>
County Archaeologist	No objection subject to the imposition of a condition requiring a scheme of archaeological works to be submitted for the approval of the Mineral Planning Authority.
Countryside / Rights of Way	No objection subject to Public Footpaths No.15 and 16 being protected throughout the period of working.
Built Heritage and Design	The proposed development would be harmful to the setting and significance of the Great Bavington Conservation Area for the duration of the phased proposal. The harm to significance would be 'less than substantial' within the terms of paragraph 199 of the NPPF. Giving great weight to the heritage asset's conservation, the LPA must weigh this harm to significance against the public benefits of the proposal. If approved a condition should be imposed requiring a detailed scheme of the proposed perimeter treatments to be submitted for approval to ensure that they are appropriate given the sensitivity of the landscape setting to the Conservation Area.
County Ecologist	<p>No objection subject to conditions.</p> <p>The County Ecologist had originally requested further information including an updated survey for whin grassland indicator species and an amended Phase 1 Habitat Plan. This information was subsequently submitted and found to be acceptable.</p>
Public Protection	<p>No objection subject to conditions to protect public health and prevent loss of amenity.</p> <p>Public Protection had originally objected due to insufficient information but considered that their objection could be overcome by the submission of a more robust assessment of the noise and dust impacts of the proposed development. Such a submission was subsequently made.</p>
Lead Local Flood Authority (LLFA)	<p>No objection subject to the imposition of a condition to ensure that drainage post-development does not increase the risk of flooding elsewhere.</p> <p>The LLFA had originally raised an objection on flood risk and drainage grounds but subsequently revised information was submitted to overcome these technical matters.</p>
Northumberland	No response received.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	17
Number of Objections	14
Number of Support	0
Number of General Comments	0

### Notices

5.1 Site notices (EIA & Rights of Way) were posted on 3 December 2020 and a press notice was placed in the Morpeth Herald on 26 November 2020. Following the submission of additional information in January 2022 site notices were posted on 21 January and a press notice was placed in the Morpeth Herald on 28 January 2022.

### Summary of Responses

5.2 Four representations have been submitted on behalf of 27 residents of 14 local households setting out detailed objections to the proposed development. A further representation has been submitted on behalf of 21 residents of 11 local households. The grounds of objection are set out below and in the most recent two representations, the residents confirmed that the additional information submitted had not changed their resolute objection to the proposed development.

- Non compliance with policies in the emerging Northumberland Local Plan, in particular Policy MIN 1 parts 2a, 2b, 2e, 2g, 2i, 2j, 3a and 3b, but also Policies STP1, STP5, ENV7, ENV9, WAT1 and POL2.
- Northumberland has almost 50 years of approved crushed rock reserves on sites with planning permission that more than meet the demand forecasts for the area.
- Adverse impact on the amenity of neighbouring residents primarily because of noise and dust emissions.
- Proposal does not pass the test of 'clear community support' in Policy STP1(f) or 'sensitive to its surrounds' in Policy STP1(h).
- Concern expressed about the noise assessment and calculations submitted by the applicant.
- Object on basis that excessive noise will result contrary to emerging policies MIN1 (2a), STP5 (2f), STP5 (1) and POL 2 (1).
- Object on basis of adverse effects from dust contrary to emerging policies MIN1 (2a), STP5 (2f), STP5 (1) and POL2 (1 & 2).
- Object on basis that the proposals will not respect or enhance the setting of the Great Bavington Conservation Area (GBCA) as required by the GBCA Character Appraisal 2008 and could adversely affect the setting of the grade 2\* listed Bavington Hall contrary to emerging policies MIN1 (2e), ENV9 1(a) (b) (c), 2 (a, b & c) and ENV7 2(a) and (b). Reference made to precedent for this from wind farm decisions in 2009 and 2011.
- Object on basis of impact on water supplies and water quality contrary to emerging policies WAT1(c) and POL2 (1 & 2).
- Concern expressed regarding cumulative impact of lorry traffic from Divet Hill and Barrasford quarries.

5.3 Ten of the households and 4 others have also written individual letters of objection. The objections refer to many of the points set out above and in addition refer to the following matters.

- Concern on effects of blasting on 400 years old Grade 2 listed property that sits directly on the bedrock.
- Inadequate separation of proposed extension area from dwellings will give rise to unacceptable levels of noise, dust, vibration and the potential for air and water pollution.
- Adverse impact on more than half the properties in Bavington Parish.
- Ongoing problem from surface water run-off from the access road to the quarry carrying silt on to the main road, blocking drains and potentially polluting small watercourses.
- Increased number of lorries on B6342 has made the road unsafe for horseriders.
- Horses in a grazing and exercising field 70 metres from the proposed extension area will be adversely affected by noise and dust.
- Quarry provides only a limited number of job opportunities.
- Adverse impact on private water supply to Newonstead Cottage and Farm.
- Bavington Mount is not included in the noise report despite crushing and other activities at the quarry being audible.

5.4 The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QIZ0Q7QSJT000>

## 6. Planning Policy

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan is the Northumberland Local Plan (NLP) that was adopted on 31 March 2022. The policies in the NLP are therefore up-to-date and must be given full weight.

6.2 Whilst the application was submitted 18 months before the adoption of the NLP and the submissions and many of the representations refer to the Development Plan policies that applied prior to the adoption of the NLP, these policies are no longer relevant and the proposals have not been assessed against these policies for the purposes of this report.

6.3 The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

6.4 The policies in the NLP that are relevant to the consideration of the application include the following policies.

MIN1 Environmental Criteria for Assessing Mineral Proposals
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MIN2 Criteria for Assessing the Benefits of Mineral Proposals
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MIN3 Minerals and Landfill Restoration, Aftercare and After-use
MIN7 Aggregate Minerals (Strategic Policy)
MIN 9 Aggregate Minerals Site Allocations – Crushed Rock
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment
ENV 2 Biodiversity and Geodiversity
ENV 3 Landscape
ENV 4 Tranquillity, Dark Skies and a Sense of Rurality
ENV 7 Historic Environment and Heritage assets
ENV 9 Conservation Areas
WAT 1 Water Quality
WAT 3 Flooding
TRA 2 The Effects of Development on the Transport Network
POL 2 Pollution and Air, Soil and Water Quality
STP 2 Presumption in Favour of Sustainable Development
STP3 Principles of Sustainable Development
STP 4 Climate Change Mitigation and Adaptation
STP 5 Health and Wellbeing

#### Other Documents and Strategies

- Land Use Consultants for Northumberland County Council. Northumberland. Landscape Character Assessment. 2010
- Durham County Council, Gateshead Council, Newcastle City Council, North Tyneside Council, Northumberland County Council, Northumberland National Park Authority, South Tyneside Council and Sunderland City Council. Joint Local Aggregates Assessment for County Durham, Northumberland and Tyne and Wear. April 2022.
- North East England Aggregates Working Party. Annual Aggregates Monitoring Report 2020. December 2021
- Historic England. Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets 2017
- Great Bavington Conservation Area Character Appraisal. Tynedale District Council. 2008

## **7. Appraisal**

7.1 The main issues for consideration in the determination of this application are:

- Principle of the development
- Need for the mineral
- Landscape and visual impact
- Impact on residential amenity
- Transport considerations
- Impact on ecology
- Impact on heritage assets
- Impact on water environment
- Restoration of the site
- Benefits of the proposed development

### Principle of the Development

7.2 Policy MIN1 of the NLP states that proposals for mineral working will be supported where the applicant can demonstrate that any adverse effects on local communities and the environment are acceptable. The policy sets out environmental criteria against which proposals will be assessed. Policy MIN 2 considers the benefits of mineral extraction and how these should be considered in the planning balance when assessing proposals. Part 1 of the policy states that great weight will be placed on the benefits of mineral extraction when determining planning applications and Part 2 sets out the matters that would be considered. Policy MIN 3 expresses support for proposals where provision is made for appropriate restoration and aftercare at the earliest opportunity and Part 2 of Policy MIN 3 lists a number of criteria that should be addressed in restoration, aftercare and after-use.

7.3 Policy MIN 7 sets out the approach to the extraction of aggregate minerals.

Part 1 of Policy MIN 7 states *'provision for a steady and adequate supply of aggregates to meet local and wider needs will be made by;*

- a. Making land available to meet the needs for crushed rock and sand and gravel for aggregate uses identified in the Local Aggregates Assessment;*
- b. Maintaining a landbank of permitted reserves of at least seven years for sand and gravel and at least ten years for crushed rock; and*
- c. Supporting proposals that would contribute to the supply of secondary and recycled aggregates'.*

7.4 Part 2 of Policy MIN 7 states *'proposals for sand and gravel extraction and crushed rock extraction will be supported where they are located within a preferred area identified in Policy MIN 8 and Policy MIN 9 and defined on the Policies Map'.*

Part 3 of Policy MIN 7 sets the policy criteria in relation to proposals for extensions to existing sites and proposals outside of the preferred areas identified for the extraction of aggregate minerals. It states that proposals outside of these areas will be supported where;

- a. The proposal would help to maintain productive capacity to meet the required provision set out in criteria 1a and b of this policy; and*
- b. The proposal would assist in maintaining the balance between supply areas in the south and west of Northumberland and the north and east of Northumberland.*

7.5 Policy MIN 9 sets out a number of site allocations that seek to support the delivery of a steady and adequate supply of material over the plan period. The area that is subject to this proposed lateral extension to Divet Hill Quarry is identified as one of two site allocations at Divet Hill Quarry. The accompanying text to Policy MIN 9 states: *'Proposals in these areas are supported in principle but the acceptability of the detailed proposals for the design, working proposed mitigation measures and*

*restoration of these allocated sites will be subject to detailed examination at the planning application stage*'. Therefore whilst this factor needs to be given full weight in the consideration of this planning application, the submitted proposals need to be assessed against all relevant Development Plan policies, national planning policy and other material planning considerations. Such an assessment has been carried out and is described in this appraisal.

7.6 The NPPF (paragraph 209) states that *'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite resource and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'*. Paragraph 211 gives great weight to the benefits of mineral extraction, including the economy and sets out various factors that should be taken into account in determining planning applications. These include ensuring that there are no unacceptable adverse impacts on the natural and historic environment and human health; ensure that any unavoidable noise, dust and particle emissions and that any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and providing for restoration to be carried out to high environmental standards.

7.7 It is concluded that the proposal is in accordance with Policies MIN 7 and MIN 9 of the NLP and paragraph 209 of the NPPF. The various other aspects affecting the principle of development, including the need for the mineral, whether there are unacceptable adverse impacts on local communities and the natural and built environment, and the proposals for restoration are dealt with in the remaining sections below of this appraisal.

#### Need for the Mineral

7.8 Paragraph 213 of the NPPF specifically deals with the supply of minerals for aggregate uses and sets out how MPAs should plan for a steady and adequate supply. It recognises the important roles of the Local Aggregates Assessment and the advice given by Aggregate Working Parties. It states that MPAS should use landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in minerals plans. For crushed rock at least 10 years supply should be maintained, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. MPAs should ensure that large landbanks bound up in very few sites do not stifle competition. MPAS are advised to calculate and maintain separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

7.9 The Local Aggregates Assessment (LAA), prepared jointly by Northumberland and Durham County Councils, Northumberland National Park Authority and the five Tyne and Wear authorities. The most recent version was published in April 2022 and is informed by sales and reserves data from 2020. It calculates demand for crushed rock from Northumberland and identifies that Northumberland should make provision for the supply of 1.72 million tonnes of crushed rock per annum.

7.10 The Aggregates Monitoring Report 2020 produced by the North East England Aggregates Working Party provides the most up-to-date position of the quantum of permitted reserves in Northumberland. It identifies that at 31 December 2020 there

were 77.3 million tonnes of permitted reserves of crushed rock. This equates to a landbank of 46 years based on the provision of 1.72 million tonnes per annum identified in the draft LAA.

7.11 The landbank of permitted reserves of crushed rock at 31 December 2020 was therefore significantly above the landbank indicator of at least 10 years set out in Paragraph 213 (f) of the PPF and Part 1 (b) of Policy MIN 7 in the NLP. However, the LAA advises that the size of the landbank should not be considered in isolation and a number of other matters in line with Paragraph 213 (f) of the NPPF should be taken into account in order to ensure that a steady and adequate supply is maintained. The LAA therefore recommends that some flexibility is required when assessing proposals against the current landbank in order to maintain productive capacity, avoid large landbanks bound up in a limited number of sites stifling competition and provide a balance in supply between quarries in the north and east of Northumberland and those in the south and west of Northumberland.

7.12 The following factors need to be taken into consideration in assessing the size of the landbank in Northumberland.

7.13 First, the current planning permissions for five quarries producing crushed rock in Northumberland expire before the end of the plan period (2036) for the NLP.

7.14 Second the reserves with planning permissions for extraction within a number of the quarries are projected to be exhausted by the end of the plan period for the NLP.

7.15 Third it is estimated that some 18% of the permitted reserves at 31 December 2020 were contained in sites that were inactive and which have not worked for a number of years.

7.16 Fourth, about 60% of the permitted reserves at 31 December 2020 were contained within a single site.

7.17 The information submitted in 2020 in support of this application identified that there were limited permitted reserves remaining at Divet Hill Quarry. Further discussions on this aspect have recently taken place with the applicants who now estimate that the areas permitted for extraction will be exhausted by June 2022.

7.18 The proposed extension to Divet Hill Quarry would provide continued production from this site to contribute to the supply of crushed rock for aggregate uses from Northumberland. This in turn would provide a steady and adequate supply of crushed rock for aggregate uses and ensure that reserves are not bound up in a limited number of sites. It is therefore concluded that the proposal is in accordance with Policy Min 7 of the NLP and paragraph 213 of the NPPF.

#### Landscape and Visual Impact

7.19 Policy ENV 3 in the NLP states that '*proposals affecting the character of the landscape will be expected to conserve and enhance important elements of their character; in such cases design and access statements should refer, as appropriate, to Northumberland Landscape Character assessment and other relevant studies, guidance or management plans*'. It also states that '*where applicable, the*

*contribution of the Northumberland landscape to the understanding and enjoyment of heritage assets will be taken into account'* in assessing development proposals.

7.20 Policy MIN 1 in the NLP states that *'in considering (mineral) applications appropriate weight will be given to potential effects on... landscape character and sensitivity – applicants will be required to demonstrate that the proposal can be effectively and appropriately integrated with its surroundings and the character of the landscape, particularly as a result of changes to landform and topography both during and after extraction'*.

7.21 Paragraph 174 of the NPF states that planning decisions should contribute to and enhance the natural and local environment by means including protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside.

7.22 The application site is located within Landscape Character Type 11: Sandstone Fringe farmland and more specifically Character Area 11b Buteland and Colt Crag. Key components of the area include open, expansive, marginal upland fringe farmland; occasional Whin Sill and sandstone outcrops and crags with associated active and disused quarries; gently undulating topography drained by minor burns, with wet pastures in shallow hollows. The Lowland Farmed Moor Landscape Character Type 36a Ingoe Moor is located close to the application site.

7.23 The ES submitted with the planning application states that the proposal would lead to overall effects of negligible significance on the above two Landscape Character types. No trees or hedgerows would be lost. The loss of low quality agricultural grassland is considered to be of Minor Significance and upon restoration would be replaced by a combination of agricultural grassland, species rich grassland and whin grassland. The effect on landform, creation of temporary soil bunds and permanent landform changes associated with the quarrying operations are considered to be of Moderate Significance. Upon restoration the effect on landform is considered to reduce to Low Significance due to the more natural appearance of the restored quarry site.

7.24 The submission includes a Zone of Theoretical Visibility map indicating that views into the extension area will be constrained due to local topography particularly from the north and west. A viewpoint assessment included in the ES confirmed that there would be limited views into the extension area, with the most noticeable impact being from a short section of track alongside the northern site boundary. The impact on viewpoints from Great Bavington and St Oswald's Way are considered to be of 'minor significance' and from Little Bavington 'negligible significance'. The applicants therefore conclude that the proposal would not lead to any significant landscape and visual effects.

7.25 Council officers have reviewed the information submitted on landscape and visual impact. It is considered that the findings are generally agreed and that overall the proposal would have only limited effects on visual amenity and the character of the local and wider landscape. The one area of exception to this is in respect of the policy requirement in Policy ENV 3 that *'where applicable, the contribution of the Northumberland landscape to the understanding and enjoyment of heritage assets will be taken into account'*. Local residents have also referred to this issue in their objections to the planning application. This aspect is dealt with later in this report in

the section titled '*Impact on Heritage Assets*', which also identifies other local and national policy considerations that are relevant to the consideration of this issue.

### Impact on Residential Amenity

7.26 Policy MIN1 in the NLP requires applicants to demonstrate that there is appropriate separation between the site and dwellings and other sensitive uses, to prevent unacceptable levels of noise, dust, vibration, air pollution and harmful visual impact. Policy POL 2 states that development proposals in locations where they would cause unacceptable risk of harm from various forms of emissions including fumes, particles and noise will not be supported. Paragraph 211 (c) of the NPPF states that when determining applications for mineral extraction MPAs 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.

7.27 The following paragraphs deal separately with noise, dust and blasting / vibration.

#### *Noise*

7.28 National Planning Practice Guidance (PPG) recommends that MPAs set noise limits at noise sensitive properties that do not exceed the background noise levels by more than 10dB(A) during normal working hours (07.00 to 19.00). Where it will be difficult not to exceed the background level by more than 10dB(A) LAeq, 1 hour 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, 1hr free field between 0700 and 1900, and 42b(A)LAeq 1hr free field between 20.00 and 07.00.

7.28 The existing noise limits for the site for the period 07.00 to 19.00 (excluding noise associated with soil and overburden removal and the construction of screen mounds and drilling) are as follows;

Newonstead Farm	45 dBLaeq (1 hour) freefield
Little Bavington	44 dBLaeq (1 hour) freefield
Homilton Farm	46 dBLaeq (1 hour) freefield
Clay Walls	41 dBLaeq (1 hour) freefield
Great Bavington	43 dBLaeq (1 hour) freefield
Bavington Mount	45 dBLaeq (1 hour) freefield

7.29 The noise assessment submitted with the planning application concludes that noise levels at Newonstead Farm, Homilton farm and Great Bavington will not exceed the above noise limits. However, operations during Phase 1 of the proposed development are predicted to exceed the current limit at Clay walls by 1dB and operations throughout the development are predicted to exceed the current noise limit at Little Bavington by 2dB. The predicted noise levels are well within the upper limit for mineral extraction operations in Planning Practice Guidance. The Council's Environmental Protection team has raised no objections on noise impact and recommended that the existing noise levels are revised accordingly. This is the subject of a recommended condition. A condition is also recommended requiring a scheme for the implementation of noise monitoring to be submitted. The scheme is

required to include details of how the operator will respond to any justified noise complaints from local residents.

7.30 It is concluded therefore that the proposal complies with Policies POL 2 and MIN 1 of the NLP and paragraph 211 (c) of the NPPF.

#### *Dust*

7.31 National Planning Practice Guidance (PPG) advises that where dust emissions are likely to arise, mineral operators should prepare a dust assessment study. The Environmental Statement (ES) submitted with the planning application includes the results of dust monitoring over a period of 19 days in late April and early May 2017 using stick pads at Clay walls, Newonstead Farm, Homilton Farm and Little Bavington. All measured levels were below the limit of 200 mgm<sup>-2</sup> per day<sup>-1</sup> that is regarded as the UK threshold for nuisance attributed to fugitive dust. The ES includes an assessment of the potential effects from the proposed mineral operations and this concludes that they are likely to have a negligible impact at Great Bavington, Newonstead Farm, Homilton Farm and Little Bavington and a Slight Adverse effect at Clay Walls.

7.31 Following a complaint concerning dust nuisance affecting Great Bavington in 2020, the quarry operator has undertaken additional dust monitoring at Homilton Farm, Newonstead Farm, Great Bavington, Clay walls, Little Bavington and a location mid-way between the quarry and Great Bavington. Based upon the results of this monitoring, the Environmental Protection team has concluded that any potential for dust emissions from the quarry can be adequately controlled through conditions contained within the current Environmental Permit issued by Public Protection and through the imposition of appropriately worded planning conditions. Such conditions are included in the recommended conditions. The dust management scheme to be submitted is required to include details of the process for dealing with complaints from local residents. A condition is also recommended requiring the submission of a scheme for dust monitoring.

7.32 It is concluded therefore that the proposal complies with Policies MIN 1 and POL 2 of the NLP and paragraph 211 (c) of the NPPF.

#### *Air Quality*

7.33 At Great Bavington the background PM<sub>10</sub> is 8ug/m<sup>3</sup> and PM<sub>2.5</sub> is 5ug/m<sup>3</sup> as recorded by DEFRA in 2019. Guidance on the Assessment of Mineral Dust Impacts for Planning (2016) states that: '*If the long term background PM<sub>10</sub> concentration is less than 17 ug/m<sup>3</sup> there is little risk that the Process Contribution would lead to an exceedence of the annual-mean objective*'. The ES includes an air quality assessment that concludes that the proposal will not result in the current National Air Quality Objectives for PM<sub>10</sub> and PM<sub>2.5</sub> being exceeded at nearby receptors. The Environmental Protection team agrees with this assessment and therefore has no objections to the proposals on grounds of air quality. It is concluded therefore that the proposal complies with Policies POL 2 and MIN 1 of the NLP and paragraph 211 (c) of the NPPF in respect of particulate emissions and air quality.

#### *Blasting and Vibration*

7.34 A vibration assessment has been carried and criteria for restricting vibration levels from production blasting have been recommended in order to minimise annoyance to local residents. The Environmental Protection team has reviewed this assessment and agrees with its findings, including its proposed mitigation measures. It is proposed that the existing blasting conditions are imposed on any new permission for the proposed extension. A condition is also required requiring details of a process for dealing with complaints of vibration affecting residential properties to be submitted. The proposal therefore complies with policies POL 2 and MIN 1 of the NLP and paragraph 211 (c) of the NPPF.

### *Conclusion*

7.35 Consideration of the proposals has taken into account the concerns raised by local residents regarding impacts on residential amenity. In this regard the recommended conditions are more comprehensive than the existing conditions that apply to the Divet Hill operations. The applicants have also agreed that a Community Liaison Committee will be established, including representatives of the Parish Council and local residents, and a condition has been recommended requiring such a Committee to be established. Such Committees have proved effective for mineral workings, in particular opencast coal sites, elsewhere in Northumberland. The proposals therefore comply with policies POL 2 and MIN 1 of the NLP and paragraph 211 (c) of the NPPF in respect of impacts on residential amenity.

### Transport Considerations

7.36 Policy MIN 1 in the NLP states that appropriate weight will be given to the capacity and suitability of the transport network, including vehicle movements, site access arrangements and impacts on non-motorised users with applicants having to demonstrate that transport by rail or water is not practicable or feasible.

7.37 Heavy Goods Vehicles accessing the quarry currently utilise the existing highway network and no changes are proposed to this arrangement or the number of movements to and from the site. Currently up to 125 HGVs are permitted to leave the site on any working day with the six-monthly average not exceeding 85 per day. Information submitted with the planning application stated that the number of HGVs leaving the site averaged 66.7 in February 2019, 76.5 in March 2019 and 65.3 in April 2019. County Highways have recommended that similar restrictions are imposed by condition if the Committee is minded to grant planning permission for the extension application.

7.38 In their original consultation response County Highways commented that the proposed extension would come very close to the boundary with the adopted highway U5012 and requested that the applicants submit further information to demonstrate that the proposed works would not impact on the boundary of the adopted highway. The applicants subsequently submitted a Technical Note demonstrating that the U5012 would not be impacted by the proposed development and identifying the measures that would be put in place to monitor the works in this location. County Highways agree with the findings in the Technical Note.

7.39 Local residents refer to the cumulative impact of HGVs on the B6342 road from Divet Hill and other quarries to the west. The routing of HGVs from these quarries depends on the markets that are being supplied with roadstone. For markets in the Hexham area and in the west of the County, HGVs will travel west

whilst for markets in Tyneside and south east Northumberland, HGVs will travel east through Little Bavington to the A696 road. County Highways have considered the cumulative impacts but it is not considered that this warrants a refusal of planning permission for the proposed development.

7.40 It is concluded that the proposed development complies with Policy MIN 1 in the NLP. It is therefore acceptable in highways terms subject to the imposition of appropriate planning conditions.

### Impact on Ecology

7.41 Policy ENV2 in the emerging NLP states that planning permission will be refused if the proposed development would adversely affect Local Wildlife Sites unless it can be demonstrated that the benefits of development clearly outweigh the harm to the nature conservation of the site. The NPPF states that in considering proposals for mineral extraction, MPAs should ensure that there are no unacceptable adverse impacts on the natural environment (paragraph 211b). It also states that planning permission should be refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated (paragraph 180a).

7.42 Divethill and Claywalls Local Wildlife Site (LWS) encompasses the proposed northern extension area and is of County importance. The site is designated both ecologically and geologically for a series of whinstone outcrops with flora typical of the whin sill, in addition to an un-grazed area of whin sill grassland. It is considered a good site for the Nationally Scarce Species maiden pink (*Dianthus deltoids*) and UK BAP Priority Species annual knawel (*Scleranthus annuus*).

7.43 The site surveys submitted by the applicant have confirmed that the majority of the proposed extension area, some 9.75 hectares, comprises modified grassland. There are two distinct areas of whin sill grassland located in the south and south-west of the extension area.

7.44 The working scheme for phases 1, 2 and 3 has been designed to avoid directly impacting the scarp slopes that comprise the whin grassland habitat. The whin grassland areas would be fenced prior to works commencing in order to ensure that there is no accidental damage from vehicle or plant movements. The restoration scheme will create additional areas of whin grassland.

7.45 A phased programme of extraction will minimise the net loss of other habitats at any one time. As part of the phased restoration scheme 5.6 hectares of the extraction site would be restored to species rich grassland and 3.4 hectares to agricultural grassland.

7.46 In relation to impact on protected species, the County Ecologist has commented that no badger setts were recorded in the extension area and field evidence was limited to commuting and foraging pathways. The site contains no potential roost features for bats and great crested newts are considered unlikely to be present. Brown Hare has been recorded in the agricultural grassland on the site. This is a Species of principal Importance as identified under Section 41 of the Natural Environment and Communities Act 2006 making it a priority for conservation. The County Ecologist has provided an advisory note dealing with this species and this advice will be included as an informative for the site operator should the Committee decide to grant planning permission.

7.47 In conclusion therefore the County Ecologist has raised no objections to the proposed development subject to conditions being imposed. It is concluded therefore that the proposal complies with Policy ENV 2 of the NLP and paragraphs 180a and 211b of the NPPF.

#### Impact on Heritage Assets

7.48 Policy MIN 1(e) in the NLP requires applicants to demonstrate that the proposal will not result in unacceptable harm to heritage assets, including designated and undesignated heritage assets and their settings. Policy ENV 7 states that development proposals will be assessed and decisions made to ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. Applicants are required to submit a heritage statement describing the significance of the asset and any contribution made to the significance of its setting. Where proposals would cause less than substantial harm to the significance of the designated asset, this will be weighed against the public benefits of the proposal. Policy ENV 9 states that where the setting of a conservation area may be affected, development should enhance and reinforce the local distinctiveness of the conservation area while wherever possible better revealing its significance.

7.49 The NPPF states that in considering proposals for mineral extraction, MPAs should ensure that there are no unacceptable adverse impacts on the historic environment (paragraph 211b). It also states that in determining applications generally, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 197a). In considering potential impacts the NPPF states at paragraph 199. *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*. Paragraph 200 continues: *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'*.

7.50 Paragraph 201 states: *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use'*. Paragraph 202 states: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.

7.51 The Great Bavington Conservation Area Appraisal 2008 describes the significance of the settlement stating it comprises a group of buildings that sits on the

rising edge of an undulating landscape. It is a relatively isolated village that is perched on exposed rising moorland. The remains of the settlement comprise a range of substantial stone built houses with a church on the southern side of the road and a farm with its agricultural buildings providing a built end point at its western extremity, creating a linear pattern to the village. There are relics of a lost village that extend along both sides of the road and the adjacent ridge and furrow patterns. The surviving earthworks are a testimony to the many generations of inhabitants who lived in Great Bavington. The general landscape of the area is determined by its geology with a scraped, grassy surface punctuated by isolated strands of trees.

7.52 The Appraisal suggests that it is difficult to identify field patterns but the dry stone wall field boundaries appear to be of a considerable age. The surviving ridge and furrow markings run parallel to these margins, indicating a settled configuration. The lichen clad stone field boundary walls run into the village envelope to create a clear link between the open countryside and the built-up area. It states that views from the north and west are limited to glimpses through nicks and undulations in the Whin Sill.

7.53 The Appraisal states that as a rural settlement, the open landscaped hinterland provides a distinctive setting to the village. It states that views to and from Great Bavington and its surroundings are critical to creating and maintaining its distinctive character and must be protected.

7.54 There are 10 listed buildings within 3 kilometres metres of the application site, including Easter House and cottage (Grade II) and Presbyterian Church Great Bavington (Grade II) which are within the Conservation Area The other 8 listed buildings are:

- Bavington Hall – Grade II\*
- Bavington Hall Gazebo – Grade II
- Bavington Hall garden wall and sheds – Grade II
- Milestone – Grade II
- Milestone – Grade II
- Eyecatcher 1/4 mile south west of Homilton Farm – Grade II
- Ladywell Farnhouse – Grade II
- St Aidan's Church Throckington – Grade II\*

7.55 The boundary of the Bavington Conservation Area lies approximately 190 metres to the east of the application site. Both Historic England and the Council's Built Heritage and Design Officer considered that the information originally submitted with the planning application was not sufficient to provide a full understanding of the significance of the Conservation Area or the impact of the proposed development on it, although it was noted that the evaluation in the ES found that it would likely have an adverse effect on designated heritage assets of medium sensitivity / significance. Both bodies requested that the applicants provide a detailed assessment of significance and set out clear and convincing justification for the harm identified in the ES.

7.56 Further information was subsequently submitted in the form of a Heritage Assessment. The HA found that the application site is well screened from the majority of designated assets by distance, topography and trees. It states that the B6542 road is lined with a strong hedge and mature trees which bound its northern side and that these would assist in obstructing and screening views of the site from

the southern side of the road during the proposed works. It also identifies an avenue of trees that line the northern side of the B6342 road that it states would predominantly obscure views from Little Bavington.

7.57 In respect of Great Bavington, the HA found that visibility from the north and west of the village towards the application site is reduced by the undulating outcrops of the Whin Sill and is generally controlled by the topography of the area. It states that the gradient of the application site in relation to the surrounding topography is such that the quarry extension would be naturally shielded from the Conservation Area by topography. It further states that trees obscure views from the two Listed Buildings in Great Bavington with the Presbyterian Church's view also obscured by buildings which front the property to the west.

7.58 The HA concludes that the magnitude of the impact on the Conservation Area and each of the listed buildings would be minor, taking into account distance, the filtering effect of buildings and trees, screening bunds and topography.

7.59 Historic England and the Council's Built Heritage and Design Officer have reviewed the further information submitted in the HA. Historic England note the submission of the further information and on the basis of that information, did not offer any comments, but instead deferred to the Council's specialist advisers.

7.60 The Council's Built Heritage and Design Officer identified that the HA had not considered views towards the Conservation Area from the west along the claimed right of way leading from Newonstead Farm into Great Bavington, or from the B6342 across the Conservation Area towards the application site, adding that the change in landscape would be more pronounced from these vantage points. She considers that the proposed extension would have a harmful effect on views towards the Conservation Area, that the perimeter treatments to screen the site are also likely to be harmful within this landscape and also that the site would be harmful to other tangible aspects of the setting.

7.61 The Council's Built Heritage and Design Officer considered that the HA met the requirements of NLP Policy, but advised that the NPPF and Historic England take a more encompassing view of 'setting' with the NPPF defining it as '*the surroundings in which a heritage asset is experienced*' and Natural England advising that qualitative issues such as the importance of quiet and tranquillity and patterns of land use, as attributes of setting. She notes that the field, with its legible ridge and furrow earthworks, that comprises most of the proposed extension area, has remained unchanged since at least 1866, and considers that its loss would erode the Conservation Area's pastoral setting and association with the settlement's history since medieval times. She considers that the proposed extraction site with perimeter screening in closer proximity to the Conservation Area would affect how it is experienced as a remote agricultural settlement.

7.62 In conclusion therefore the Council's Built Heritage and Design Officer considers that the proposed extension would be harmful to the setting and significance of Great Bavington Conservation Area for the duration of the phased development. This harm would be 'less than substantial' within the terms of paragraph 199 of the NPPF. However, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance and where there is harm, that harm should be demonstrated to be necessary through clear and

convincing justification. She therefore advises that *‘giving great weight to the heritage asset’s conservation, the LPA must weigh this harm to significance against the public benefits of the proposal, including the socio-economic benefits of the extension. If the application is approved, we recommend a condition requiring the applicant to submit a detailed scheme of the proposed perimeter treatments for approval to ensure that they are appropriate given the sensitivity of the landscape setting to the Conservation Area’.*

7.63 The applicants were invited to comment on the response from the Council’s Built Heritage and Design Officer. They highlighted the fact that the mineral working within the northern extension area will be a temporary operation likely to last between 8 and 9 years depending on sales so the “less than substantial” harm to significance will be for a limited duration. During the working within the area, soils from the area to be worked will be used to form a visual screen (bund) between the workings and external views. The soil bund will be a maximum of 3m high and seeded to grass. The bunds would be put in place over a period of years with the initial section being built upon grant of planning permission to screen workings within phases 1 and 2. Two and half years later the next section would be built with a final section running parallel with the road to Newonsteads built after approximately four years from initial development. Once extraction is complete all the bunds will be removed and used in the restoration of the worked out quarry void and slopes to create an area of species rich, whin grassland and grazing land. The current boundary wall around the extraction area will remain in place throughout the quarry working and the bunds will sit inside this wall. No development will take place outside of the stone wall boundary feature. Once the workings are complete and the soils removed the area will revert to it’s open views to and from Great Bavington across the local landscape.

7.64 As the Committee will be aware the formation of soil bunds to store soils removed from the working area and to assist in screening workings from outside the site are normal features of mineral extraction sites. Given the temporary nature of the proposed soil bunds, their phased formation and their location behind the existing boundary wall and notwithstanding that they would be higher than the boundary wall, it is not considered that the visual impact of the bunds on the setting of the Conservation Area would be sufficient to warrant a reason for refusing the proposed development.

7.65 The contribution that the open countryside to the west of Great Bavington makes to the setting of the Conservation Area is recognised. However the existing dry stone wall field boundary that will be unaffected by the proposed development provides a strong feature in the setting and, together with the soil bunds, would help to mitigate the harm that would result. The major part of the open countryside to the west of Great Bavington, (i.e. the land to the north of the U5012 road and between the road and the dry stone wall to the south), would be unaffected by the proposed development.

7.66 The proposals involve retaining approximately 20 metres of the fields to the south of the dry stone wall unworked, except for the storage of soils, and the restoration proposals are for a whin outcrop to be retained and the land graded down to the former quarry floor, replicating the natural features that occur elsewhere in the area.

7.67 Local residents have also expressed concern regarding the impact on the Conservation Area and consider that the information submitted in the HA understates the true extent of the impact. They also refer to the effects of Storm Arwen in felling some of the trees that the applicant states will assist in filtering views of the proposed workings from properties and from the B6342 road. Council officers, including the Council's Built Heritage and Design Officer, have taken these aspects have been taken into account in assessing the impact on the heritage assets.

7.68 In conclusion it is considered that the proposed development will cause less than substantial harm to the setting of the Great Bavington Conservation Area and in accordance with Policy ENV 7 of the NLP and the advice of the Council's Built Heritage and Design Officer, that harm needs to be weighed against any public benefits that would result from the proposals in the planning balance.

7.69 The County Archaeologist advises that the application site is located within a wider landscape containing sites and findspots from the prehistoric period onwards. Although there are no known archaeological remains with the site there is the potential for the discovery of previously unrecorded archaeological remains, most notably settlement sites and field systems of later prehistoric (Iron Age / Romano-British) date or potentially even early medieval settlement.

7.70 The desk-based assessment undertaken in support of the planning application identified the presence of ridge and furrow across the site, placing it into three phases from the 17th/18th century onwards. The assessment also identified a wall along the eastern boundary of the site as well as a slight valley running west to east and a series of earthworks in the north-west of the site. Aerial photographs also show a number of other features across the site that appear to pre-date the ridge and furrow and later boundaries and the County Archaeologist requested these to be the subject of further investigation.

7.71 A geophysical survey and trial trenching have subsequently been carried out. Eleven evaluation trenches across the site were examined and features, including 8 postholes, 2 pits and a plough furrow were revealed predominantly in the north east of the site. Two features containing enough carbon for dating were confirmed as being of early to mid-medieval date.

7.72 The County Archaeologist considers that the most effective form of mitigation is strip, map and record combined with excavation of archaeological remains, She therefore raises no objection to the proposals and and has recommended that an archaeological mitigation condition is imposed in accordance with the NPPF.

## Impact on Water Environment

7.73 Policy WAT 1 in the NLP states that development will not be supported if it could disrupt the ground water movement or affect its chemical balance. Policy MIN 1 in the NLP states that applicants should consider the potential for the proposal to affect the flow, quality and quantity of ground and surface water supplies. The NPPF states that planning decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution and that development should wherever possible help to improve local environmental conditions such as water quality (paragraph 174 e).

7.74 Quarrying operations have the potential to impact on groundwater through creating excavations within the water table and causing 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 in the vicinity of the site.

7.75 The Environment Agency originally objected to the proposed development because of the risks to groundwater. The Agency considered that the applicant had not supplied adequate information to demonstrate that the risks posed to groundwater could be satisfactorily managed. To overcome the objection the applicant was asked to provide further justification that the private water supplies and the springs will either not be impacted or will be protected through mitigation measures. The Agency set out the information that it needed to be submitted. This information was subsequently submitted enabling the Agency to withdraw its objection to the proposal.

7.76 The Local Lead Flood Authority (LLFA) also originally objected to the proposal on flood risk and drainage grounds and requested further information on a number of matters. The applicants subsequently submitted a document titled Drainage Strategy and LLFA Response dated March 2022. This document was reviewed by the LLFA leading to its objection being withdrawn subject to the imposition of conditions.

7.77 The nearest private water supply is at Newonstead Farm, some 350 – 370 metres west of the boundary of the proposed northern extension. The ES concludes that this supply lies beyond the maximum estimated radius of influence of dewatering of 200 metres. The Public Protection Team has reviewed the ES and has raised no objections to the proposals in relation to impact on private water supplies.

7.78 It is concluded therefore that, subject to the imposition of conditions as recommended by the Environment Agency and Local Lead Flood Authority, the proposed development is acceptable in terms of its impact on ground and surface water and complies with policies WAT 1 and MIN 1 in the NLP and paragraph 174(e) of the NPPF.

## Restoration of the Site

7.79 Policy MIN 3 in the NLP requires provision to be made for appropriate restoration and aftercare of mineral workings. Paragraph 211e of the NPPF require applicants to submit proposals that make proper provision for the restoration of the site to a suitable after-use.

7.80 A restoration scheme for the existing quarry has previously been developed in consultation with various conservation bodies and was approved through planning permission 17/04637/VARCCM. A proposed scheme covering both the existing quarry and the proposed extension has been submitted and largely reflects the proposals included within the existing approved scheme. Restoration would be progressive and would continue and for two years after final extraction. The aim is to return the site to mixture of agricultural grassland, Whin grassland and species rich grassland, including calcareous grassland with public access. Waterbodies would be retained, enlarged and improved with areas of bare rock retained for nature conservation and biodiversity purposes. Bracken would be managed and removed and scrub/woodland edge habitat planted adjacent to retained woodland areas. The woodlands would be managed and bat and bird boxes installed. On completion of the works the asphalt plant, weighbridge, site offices and all plant and infrastructure would be removed from the site.

7.81 An area of the quarry has previously been nationally recognised for whin grassland restoration when the quarry was operated by its previous owner and Breedon have plans to further improve that area and to effect similar restoration on other areas in the quarry including part of the area of the proposed development should planning permission be granted.

7.82 There would be aftercare periods of 5 years for agricultural grassland, 10 years for areas of species rich grassland and 15 years for the Whin grassland areas, ensuring that the most suitable management regime is defined on an area-by-area basis.

7.83 The restoration and aftercare proposals are considered to be acceptable and to meet the requirements of Policy MIN 3 of the NLP and paragraph 211e of the NPPF. Conditions are recommended including conditions requiring the submission of more detailed schemes during the restoration and aftercare periods.

#### Benefits of the Proposal

7.84 As stated in paragraph 7.6 above the NPPF (paragraph 211) gives great weight to the benefits of mineral extraction, including the economy. Policy MIN 2 of the NLP also states that great weight will be given to the benefits of mineral extraction and lists various matters that will be considered in assessing the benefits of individual proposals, including economic benefits, employment, the contribution to maintaining supply both locally and nationally and environmental enhancements. Other benefits listed in the policy are not relevant in the case of this application.

7.85 In their submissions in support of the planning application, the applicants identify the creation of whin grassland together with the proposed species rich grassland as significant beneficial aspects of the proposals. In terms of socio-economic benefits, it is stated that the proposal will lead to the maintenance of 14 full time equivalent (fte) jobs at the quarry together with the maintenance of 14.8 fte indirect and induced jobs. Other socio-economic benefits identified are the direct and indirect contributions that will be made through wages and salaries, business rates and aggregates levy payments. Whilst some of these will be generated nationally rather than locally policy requires that they are taken into account.

7.86 Having regard to local and national planning policy, it is concluded that the benefits comprising the restoration proposals, the contribution to supply and the

financial and employment benefits, are significant in this rural area and should be given great weight in the planning balance.

### Other Matters

#### *Public Rights Of Way*

7.87 Parish of Bavington Byway Open to All traffic No. 29 passes adjacent to the site to the north. Public Bridleway No. 15 lies further to the west and Public Footpath No. 16 lies further to the east of the site. The Public Rights of Way (PROW) team has no objection to the proposed development on the condition that the existing PROW network is protected throughout the period of working. No action should be taken to disturb the surface of the paths without prior consent from the PROW team, as Highway Authority, obstruct any path or in any way prevent or deter public use without the necessary temporary closure or diversion order having been made, confirmed and an acceptable alternative route provided. An informative to that effect has been recommended should the Committee decide to grant planning permission.

#### *Impact on Ground Stability*

7.88 Policy MIN 1 in the NLP includes a criterion that states that '*applicants should demonstrate that the operation and restoration of the site does not create land instability and the quarry slopes and storage mounds are designed so as not to create instability*'. The NPPF states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of land instability (paragraph 174e). The NPPF also states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks from land instability (paragraph 183a). Where a site is affected by land instability the NPPF states that responsibility for securing a safe development rests with the developer and / or landowner (paragraph 184). The proposed development does not give rise to any ground instability issues and is in accordance with Policy MIN 1 and the NPPF.

#### *Cumulative Impact*

7.89 Policy MIN 1 of the NLP and paragraph 205 of the NPPF advise that mineral proposals should take into account the cumulative impact on local communities and the environment. Cumulative impact can comprise the combination of effects from an individual site, the combination of effects from one or more sites in the locality and the effects over an extended period of time either from an individual site or a combination of sites in the locality. In this case the main consideration giving rise to the potential for cumulative impact is the HGV traffic that has been considered at paragraph 7.39 above. It is not considered that there any cumulative impact considerations in this case that would warrant a recommendation of refusal of planning permission.

#### *Impact on Horses*

7.90 Some local residents have expressed concern that the proposed development will have an adverse impact on their ability to keep horses in local fields and to ride them on local roads. Whilst this concern is noted projected noise limits are within

acceptable levels and there will be no increase in HGV traffic. It is not considered therefore that this would warrant a recommendation of refusal.

### *Equality Duty*

7.91 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*

7.92 it is not considered that the proposals that are the subject of this planning application have any implications in relation to crime and disorder.

### *Human Rights Act Implications*

7.93 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.

7.94 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.

7.95 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 The proposed development for a northern extension of Divet Hill Quarry has been assessed against the Development Plan, national planning policy and other material planning considerations. The submissions in the Environmental Statement, including subsequent information submitted, have been assessed and taken into account in the preparation of this report.

8.2 The main considerations that weigh in favour of granting planning permission are the allocation of the extension area as a preferred area for mineral extraction in the recently adopted NLP, the contribution that the site would make to maintaining a steady and adequate supply of mineral to meet the needs for roadstone over a nine year period, the maintenance of current employment numbers at the quarry and in the transport of material and other direct and indirect economic benefits. The restoration proposals, in particular the creation of new areas of whin grassland would provide some benefit. The NPPF and the NLP state that the benefits of mineral extraction, including economic benefits, need to be given great weight.

8.3 The main consideration that weighs against the proposal is the impact on the setting on the setting of Great Bavington Conservation Area and to a lesser extent listed buildings elsewhere in the area including Bavington Hall. These are considerations that must also be given great weight in accordance with local and national planning policy.

8.4 The concerns of local residents on other matters including the impacts of visual impact, noise, dust, vibration and traffic, have been taken the account but there are no objections from Public Protection or County Highways on these matters subject to the imposition of appropriate planning conditions. The recommended conditions impose significant new controls to help ensure that future workings are carried out without resulting in unacceptable harm to local communities and the environment, that there is effective monitoring of the impacts of site operations and that a Community Liaison Committee is established.

8.5 It is concluded that the planning balance weighs in favour of granting planning permission subject to the imposition of planning conditions.

## **9. Recommendation**

9.1 That this application be GRANTED planning permission subject to the following conditions.

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

2. At least 7 days notice of the date of commencement of the development shall be given to the Mineral Planning Authority.

Reason: To assist the Mineral Planning Authority in the forward planning of mineral activities.

3. The development hereby permitted, including the extraction, processing, stockpiling and transport of minerals, shall cease on or before 31 December 2031 and the site shall be restored in accordance with the plans and details hereby approved on or before 31 December 2033.

Reason: To ensure that the development is carried out and the site is restored within a reasonable timescale in accordance with Policies MIN 1 and MIN 3 of the Northumberland Local Plan.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents for this development are:

Plans:

Figure 2.1: Location Plan

Figure 2.2: Location Plan

Figure 2.4: Working Scheme Phase 1

Figure 2.5: Working Scheme Phase 2

Figure 2.6: Working Scheme Phase 2a

Figure 2.7: Working Scheme Phase 3

Figure 8: Indicative Quarry Development Plan

Figure 2.9: Proposed Final Restoration Proposals

Figure 2.10: Sections AA and BB

Figure 8.12: Proposed Surface Water Settlement Lagoon

Figure 8.28: Proposed Drainage Discharge Route from Northern Extension

Figure 1: Archaeological Mitigation Area (Revision 1)

Documents:

Environmental Statement Volume 1: Written Statement. October 2020

Planning Statement October 2020

Drainage Strategy and LLFA Response. Envireau Water. March 2022

Trial Trench Evaluation. WYAS Archaeological Services. December 2021

Water Technical Note. Envireau Water. 21 July 2021

Heritage Assessment. WYAS Archaeological Services. December 2021

Technical Note on Potential Impact on U5012 road

Letters:

Letter dated 22 March 2021. Response to EHO Comments on Noise Impact Assessment. Vibrock Limited

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

5. The operator shall maintain a notice board at the entrance to the site indicating the name, address and telephone number of a representative of the operator who would be available to deal promptly with any complaints. The notice board shall be maintained in a sound and legible condition throughout the period of working and restoration.

Reason: To assist people in making contact with the operator.

6. Until the completion of restoration, a copy of this permission, all approved plans, documents and details approved subsequently shall be displayed at the site in such a location or locations that all relevant personnel may be aware of their contents.

Reason: In the interests of the proper working of the site in accordance with Policies MIN 1 and MIN 3 of the Northumberland Local Plan.

7. (a) Within one month of the date of this permission, a plan showing all existing plant, machinery and buildings shall be submitted to and approved in writing by the Mineral Planning Authority.

(b) Thereafter, notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery shall be erected on the site without the prior approval of the Mineral Planning Authority and, similarly, details of the siting and design of all temporary buildings and structures required in connection with the quarrying operations shall be submitted to and agreed by the Mineral Planning Authority before they are erected on site.

Reason: In the interests of the proper working of the site and the visual amenity of the surrounding area in accordance with Policy MIN 1 of the Northumberland Local Plan.

8. The operator shall submit to the Mineral Planning Authority a formal report by 31 March each year that shall detail by reference to a plan(s), all mineral working, ancillary operations and restoration activities undertaken at the site under the terms of this permission during the preceding 12 month period 1 January to 31 December; and proposed for the following 12 months. Each report shall provide details of sales of mineral for the period 1 January to 31 December and permitted reserves remaining as at 31 December

Reason: To assist the Mineral Planning Authority in the forward planning of mineral activities and in the interests of the proper working and restoration of the site in accordance with Policies MIN 1 and MIN 3 of the Northumberland Local Plan.

9. Subject to the exceptions listed in conditions 10, 11, 12 and 13 no operations shall be carried out and no plant shall be operated except for the purposes of any continuous drainage other than during the following hours; Monday – Friday 06.00 – 19.00 and Saturdays 06.00 – 16.00. There shall be no working at any time on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

10. In addition to the hours of operation in condition 9, the coating plant may be operated on Sundays during the hours of 07.00 – 15.00.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

11. In addition to the hours of operation in condition 9, the maintenance of plant and vehicles may take place on Saturdays 16.00 – 19.00 and on Sundays 07.00 – 15.00.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

12. In addition to the hours of operation in conditions 9 and 11, emergency repairs of plant and vehicles may be carried out at any time except on a Bank or Public Holiday.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

13. Notwithstanding the terms of condition 9, no crushing equipment shall be operated prior to 07.00 or after 19.00 on any operational day, and not after 16.00 on Saturdays.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

14. Subject to the exceptions listed in condition 15, no lorry load of quarry products shall leave the site other than during the following hours: Monday - Friday 06.00 -18.00 and Saturdays 06.00 – 15.00; and not at any time on Sundays and Bank or Public Holidays.

Reason: In the interests of highway safety and amenity in accordance with Policy MIN 1 of the Northumberland Local Plan.

15. In addition to the permitted hours for lorry movements set out in condition 14, lorry loads of coated roadstone may leave the site on a maximum of 20 Sundays per calendar year between the hours of 07.30 and 15.00.

Reason: In the interests of highway safety and amenity in accordance with Policy MIN 1 of the Northumberland Local Plan.

16. In respect of lorry loads of quarry products on Mondays to Saturdays, no more than 125 lorry loads shall leave the quarry on any single working day and over each of the calendar periods 1 January to 30 June and 1 July to 31 December, lorry loads leaving the quarry shall not exceed an average of 85 per day.

Reason: In the interests of highway safety and amenity in accordance with Policy MIN 1 of the Northumberland Local Plan.

17. With respect to lorry loads of coated roadstone, when the coating plant is operated in accordance with condition 15, not more than 40 lorry loads shall leave the site on any Sunday.

Reason: In the interests of highway safety and amenity in accordance with Policy of the Northumberland Local Plan.

18. A record shall be kept at the quarry of the total number of lorry loads leaving each day and of the 6-monthly average and such records shall be made available for inspection by the Mineral Planning Authority during normal working hours at the quarry.

Reason: To enable the Mineral Planning Authority to monitor the development in accordance with Policy MIN 1 of the Northumberland Local Plan.

19. No loaded vehicle shall leave the site unless it is sheeted and effectively cleaned to prevent mud and dirt leaving the site. A wheel washing facility shall be installed within 6 months of the date of this decision and shall be used where necessary by lorries leaving the site. The wheel washing facility shall be maintained thereafter for the duration of site operations.

Reason: In the interests of highway safety and amenity in accordance with Policy MIN 1 of the Northumberland Local Plan.

20. The surface of the site access shall be maintained in a good state of repair and kept clean of mud and other debris at all times until the completion of restoration and aftercare.

Reason: In the interests of highway safety and amenity in accordance with Policy MIN 1 of the Northumberland Local Plan.

21. All machinery, vehicles and plant working on the site, including that used for the purposes of site drainage, shall be fitted with efficient silencers and acoustic enclosures.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

22. 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 dBL <sub>aeq</sub> (1 hour) freefield
Little Bavington	46 dBL <sub>aeq</sub> (1 hour) freefield
Homilton Farm	46 dBL <sub>aeq</sub> (1 hour) freefield
Clay Walls	42 dBL <sub>aeq</sub> (1 hour) freefield
Great Bavington	43 dBL <sub>aeq</sub> (1 hour) freefield
Bavington Mount	45 dBL <sub>aeq</sub> (1 hour) freefield

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against noise in accordance with Policy MIN 1 of the Northumberland Local Plan.

23. Noise from the development between 22.00 – 07.00 shall not exceed a maximum noise level of 42 dBL<sub>aeq</sub> (1 hour) freefield at any residential property.

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against noise in accordance with Policy MIN 1 of the Northumberland Local Plan.

24. Temporary operations such as soil stripping or placement and the construction and removal of screen mounds shall not exceed a noise level of 70 dB(A)<sub>L<sub>aeq</sub></sub> (1 hour) freefield for any longer than 8 weeks in any 12 month period at any residential property.

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against noise in accordance with Policy MIN 1 of the Northumberland Local Plan.

25. A scheme for the implementation of noise monitoring shall be submitted to and approved by the Mineral Planning Authority within 3 months of the date of this decision. Noise monitoring shall be carried out by a competent person and the results of such monitoring shall be made available to the Mineral Planning Authority upon request within 2 working days. The scheme shall include details of how the operator shall respond to justified noise complaints notified by the Mineral Planning Authority.

Reason: In the interests of the amenity of the area and to provide a commensurate level of protection against noise in accordance with Policy MIN 1 of the Northumberland Local Plan.

26. Within three months of the date of this permission, a scheme for dust management shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:
1. The following measures for the control and reduction of dust emissions arising from all operations including vehicular movements, extraction operations, mineral, soils and overburden stockpiling and spreading operations.
    - a. The provision of a water bowser which shall be used at all times when there is a risk of dust arising from haul roads or vehicle manoeuvring areas.
    - b. The provision and use of efficient dust collection equipment on drilling rigs.
    - c. A speed limit of 15 mph on all internal haul roads, with exhausts of mobile plant directed away from the ground.
  2. A process for dealing with complaints of dust adversely affecting residential properties.

The approved scheme shall then be implemented in full within one month of approval and shall be maintained for the lifetime of the site.

Reason: In the interests of the amenity of the area in accordance with Policy MIN1 of the Northumberland Local Plan.

27. Within three months of the date of this permission, a detailed scheme specifying the provisions to be made for the implementation of dust monitoring shall be submitted to and approved in writing by the Mineral Planning Authority. Monitoring of dust levels shall be carried out by the operator in accordance with the approved scheme for the lifetime of the site unless otherwise agreed in writing by the Mineral Planning Authority. 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 the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

28. A Community Liaison Committee comprising representatives of the operator, the Mineral Planning Authority, the Parish Council and local residents shall be established within six months of the date of this decision and shall meet at least twice each year until the completion of restoration.

Reason: In the interests of the proper working of the site in accordance with Policies MIN 1 and MIN 3 of the Northumberland Local Plan.

29. Blasting shall only be carried out between 09.00 – 16.30 Monday – Friday, except in the case of emergency, in which cases full details of the circumstances and the time of blasting shall be submitted in writing to the Mineral Planning Authority within 48 hours of the occurrence. No blasting shall take place on any Saturday, Sunday, Bank Holiday or Public Holiday.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

30. The blast design shall be such that vibration levels arising from the blast shall not exceed 6 mm/second Peak Particle Velocity in any plane when calculated with a 95% confidence limit and shall not exceed a limit of 12 mm/second, as measured at the nearest residential or vibration sensitive property.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

31. Monitoring of the peak particle velocity attributable to blasting shall be undertaken and a record shall be kept at the quarry of the monitoring and such record shall be made available for inspection by the Mineral planning authority during normal working hours at the quarry.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

32. Within three months of the date of this permission a scheme setting out a process for dealing with complaints of vibration adversely affecting residential properties shall be submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall then be implemented in full within one month of approval and shall be maintained for the lifetime of the site unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of the amenity of the area in accordance with Policy MIN 1 of the Northumberland Local Plan.

33. All water from the site shall be routed through the approved ponds prior to discharge into any ditch, stream, watercourse or culvert outside the site.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

34. Within 24 months of the date of this decision a full scheme for the surface water management post-restoration including details of health and safety shall be submitted to and approved in writing by the Mineral Planning Authority. All contours post-restoration shall be no greater than those prior to development. The approved scheme shall be implemented in full.

Reason: To ensure drainage post development does not increase the risk of flooding elsewhere in accordance with Policies WAT 1 and MIN 1 of the Northumberland Local Plan.

35. Ground clearance or other works that could impact ground nesting birds or works on the north face of the existing quarry that could impact Peregrine Falcon (*Falco peregrinus*) shall not be undertaken between 1 March and 31 August unless a suitable qualified ecologist has first confirmed that no nests that are built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To conserve local biodiversity in accordance with Policies ENV 2 and MIN 3 of the Northumberland Local Plan and the National Planning Policy Framework.

36. A programme of archaeological work is required in accordance with NCC Environment and Design Team (NCEDT) Standards for Archaeological Mitigation and Site-Specific Requirements document brief (dated 12/4/2022). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Mineral Planning Authority before it can be discharged.
- a. No development or archaeological mitigation shall commence on site within the area shaded yellow on Figure 1 Archaeological Mitigation Area until a written scheme of investigation based on NCEDT Standards and Site Specific Requirements documents has been submitted to and approved in writing by the Mineral Planning Authority.
  - b. The archaeological recording scheme required by NCEDT Standards and Site Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.
  - c. The programme of analysis, reporting, publication and archiving if required by NCEDT Standards and Site Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest and in accordance with the NPPF.

37. Upon completion of operations, all buildings, fixed plant and machinery and site access roads shall be removed and their sites restored.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

38. If mineral extraction is temporarily suspended for a period of 6 months or more, 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 six month period. Written notification shall be given to the Mineral Planning Authority at least 7 days prior to the resumption of mineral extraction following a temporary suspension.

Reason: To assist the Mineral Planning Authority in the forward planning of mineral activities and in the interests of the restoration of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

39. In the event that winning and working of minerals ceases for a continuous two year period then such operations shall be deemed to have ceased and the Mineral Planning Authority shall be notified in writing within one month of the date of cessation. The land shall be restored within a period of two years in full accordance with the restoration scheme approved by the Mineral Planning Authority or such other scheme for the reinstatement and aftercare of the site as may be approved in writing by the Mineral Planning Authority.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

40. Within 6 month of the date of this decision, a soils management plan shall be submitted to and approved in writing by the Mineral Planning Authority.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

41. Once formed, all mounds in which soils are to be stored for more than 6 months, or over the winter period, shall be grass seeded in accordance with a specification agreed beforehand with the Mineral Planning Authority, and managed to minimise erosion and weed infestation, with excess herbage removed immediately prior to soil replacement.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

42. From the commencement of development, until the completion of restoration, the following site maintenance operations shall be carried out.
- a. The maintenance of fences in a stock proof condition between any areas used for development, and adjoining agricultural land.

- b. The care and maintenance of trees, hedgerows within the site boundary.
- c. The clearance of mud and silt from settlement ponds, to maintain their capacity for intercepting sediment.
- d. All areas of the site, including all topsoil, subsoil, soil making material and overburden mounds, shall be kept free from agriculturally noxious weeds (as defined by the Injurious Weeds Act 1959). Cutting, grazing or spraying shall be undertaken, as necessary, to control plant growth and prevent the build-up of a seed bank of agricultural weeds, or their dispersal onto adjoining land.
- e. 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 110% of the capacity of the tank. For multiple tankage, the compound should be at least equivalent to 110% of the volume of the largest tank, or 110% of the combined capacity of interconnected tanks. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should discharge downwards into the bund.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

43. Prior to the replacement of subsoil, the surface onto which it is to be placed shall be scarified to alleviate compaction and where required within the Agricultural Grassland as defined on the approved Restoration Plan, surface picking of any stones or other materials capable of impeding normal agricultural or land drainage operations shall be undertaken.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policies ENV 2 and MIN 3 of the Northumberland Local Plan

44. The restoration of the site shall be undertaken in accordance with the following documents:

Figure 2-9 - Final Restoration Plan.  
 Figure 2-10 – Sections A-A and B-B  
 Whin Grassland Creation Method Statement, dated November 2019.  
 (Appendix 7-7 of Environmental Statement.  
 Landscape Restoration Proposals. Dated August 2018 (Appendix 2-2 of Environmental Statement)

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

45. Following the completion of each phase of restoration, surface drainage works (including watercourses, field boundary ditches, and surface grips) shall be installed, as soon as practicable, to intercept run-off, prevent erosion, and avoid flooding of the land.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

46. As soon as the ground is sufficiently dry following the satisfactory replacement of topsoil, where appropriate the land shall be sub soiled, using an agricultural winged tine subsoiler, operating at a depth and time spacing agreed beforehand with the Mineral Planning Authority. Any exposed stones larger than 100mm in any dimension together with other objects liable to obstruct future cultivations, shall be removed from site.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan

47. Within 3 months of the restoration of the final topsoil layer, the developer shall make available to the Mineral Planning Authority a plan with contours at sufficient intervals to indicate the final restored landform of the site, together with a record of the depth and composition of the reinstated soil profiles.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

48. Within 12 months of the date of this decision an Aftercare Scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The Aftercare Scheme shall include details related to:

- a. The monitoring and reporting regime for the respective habitat types during the respective aftercare periods.
- b. The grazing regime within the respective grassland areas.
- c. The maintenance regime for scrub and woodland edge areas.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policies ENV 2 and MIN 3 of the Northumberland Local Plan.

49. The aftercare period shall extend for the following periods from the date of the final restoration of the area or part of the area concerned.

- a. Areas of Species Rich grassland as illustrated on Figure 2.9 – 10 years.
- b. Areas of Whin Grassland as illustrated on Figure 2.9 – 15 years.
- c. Remaining areas of the site (Agricultural Grassland, Scrub and Woodland edge and Wetlands) – 5 years.

50. From the date of aftercare commencement on any part of the site the following shall be undertaken as indicated on the approved plan.
- a. The installation of water supplies for livestock, and the erection of stock proof fences and gates shall be completed within 12 months.
  - b. Stone walls and access tracks shall be completed within 24 months (and prior to the commencement of under drainage installation).
  - c. Hedges and trees shall be planted within first available season (which runs between 1 November and 31 March), following restoration.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

51. The drainage of the site shall be monitored throughout the aftercare periods and, where necessary, drainage infrastructure shall be installed.

Reason: In the interests of the satisfactory restoration and aftercare of the site in accordance with Policy MIN 3 of the Northumberland Local Plan.

### Informatives

1. The condition of the existing PROW network (Parish of Bavington Byway Open to All traffic No. 29, Public Bridleway No. 15 and Public Footpath No. 16) in the vicinity of the site should be protected throughout the period of working. No action should be taken to disturb the surface of the paths without prior consent from the PROW team, as Highway Authority, obstruct any path or in any way prevent or deter public use without the necessary temporary closure or diversion order having been made, confirmed and an acceptable alternative route provided.
2. A Water Resources Licence will be required for the extension as the pumping rates required to dewater the quarry is greater than 20 cubic metres per day.
3. The abstraction of more than 20 cubic metres per day from a surface water source, e.g. a stream or from underground strata via borehole or well, for any particular purpose will need an abstraction licence from The Environment Agency. Whether a licence will be given or not will depend on available water resources and existing protected rights.
4. The culverting of any watercourse or alternations of any existing culverted watercourse will require the prior approval of Northumberland County Council under the Land Drainage Act (1991). The FCERM team should be contacted for further information at [fcerm@northumberland.gov.uk](mailto:fcerm@northumberland.gov.uk)
5. The effectiveness of the development's design in ensuring that a nuisance is not created is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should therefore fully appreciate the importance of obtaining competent professional advice.
6. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of Part III of the Environmental Protection Act 1990 be received.

7. Brown Hare (*Lepus europaeus*) has been recorded in the agricultural grassland on the site. This is a Species of Principal Importance as identified under s41 of the Natural Environment and Rural communities Act (2006) making it a priority for conservation. They live in very exposed habitats and do not use burrows but make a small depression in the ground among long grass. Prior to ground clearance, the grassland on site should be cut and maintained short and clearance undertaken from the centre outwards rather than from the outside in, so that hares can escape the machinery into surrounding fields. Breeding takes place between February and September and where possible the site should be carefully checked by a suitably qualified ecologist for the protected presence of brown hare and their leverets (young) immediately ahead of site clearance.

**Date of Report:** 23 May 2022

**Background Papers:** Planning application file 20/03660/CCMEIA