

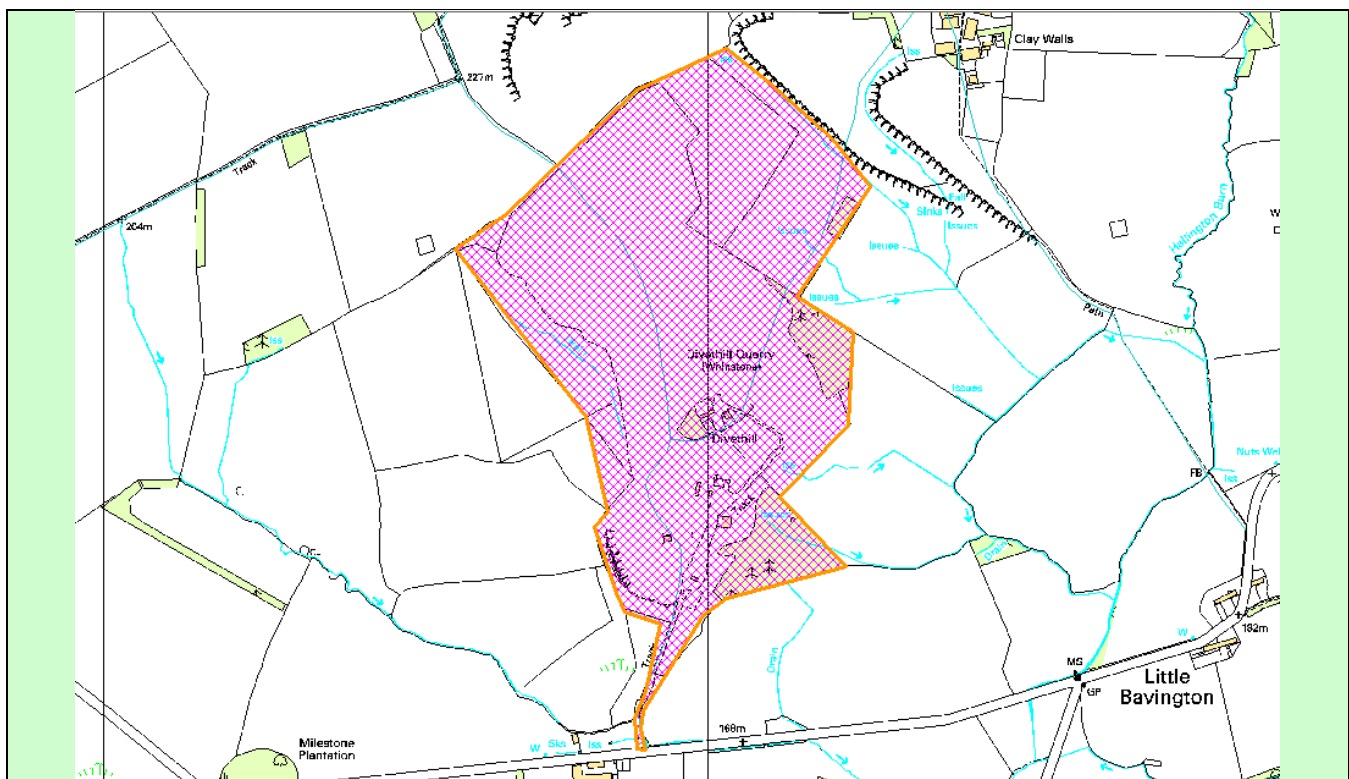


Northumberland County Council

Strategic Planning Committee 7 June 2022

Application No:	20/03661/VARCCM		
Proposal:	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		
Site Address	Divet Hill Quarry, Capheaton, Newcastle Upon Tyne, Northumberland NE19 2BG		
Applicant:	Breedon Southern Ltd C/O Agent	Agent:	Mr Donald Wilkins 2 Kilmartin Place, Tannochside Park, Uddingston, G71 5PH
Ward	Bellingham	Parish	Bavington
Valid Date:	30 October 2020	Expiry Date:	30 June 2022
Case Officer Details:	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 is related to the application for a lateral extension to the north of the existing Divet Hill quarry which represents major development, is the subject of Environmental Impact Assessment and is a separate item on the agenda for this meeting. Therefore it is considered appropriate that it is determined by the Strategic Planning Committee.

2. Description of the Proposal

2.1 This application is to amend conditions attached to an existing planning permission for the quarry (17/04637/VARYCCM) to extend the duration of the planning permission and to allow minerals extracted from the proposed Northern Extension to be imported, processed, stocked and dispatched from the existing quarry. The proposal also includes the retention of the Asphalt Plant for the duration of quarrying operations.

3. Planning History

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: PCO

4. Consultee Responses

Bavington Parish Council	There is no justification for any relief of noise conditions or for extension of the Quarry working hours.
County Highways	No response
Countryside/ Rights Of Way	No objections
Building Conservation	No response
County Ecologist	No response
Public Protection	No objections
Lead Local Flood Authority (LLFA)	No response
Environment Agency	No comments
Northumberland Wildlife Trust	No response
Historic England	No response
County Archaeologist	No objections
Natural England	No comments

5. Public Responses

5.1 Neighbour Notification

Number of Neighbours Notified	17
Number of Objections	12
Number of Support	0
Number of General Comments	0

5.2 A site notice was posted on 3 December 2020 and a press notice was placed in the Morpeth Herald on 26 November 2020.

Summary of Responses

5.3 A petition has been submitted on behalf of 26 residents of 14 local households setting out detailed objections to the proposals. The grounds of objection are summarised below.

- 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 require by the GBCA 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.

5.4 Five 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 horse riders.
- Bavington Mount is not included in the noise report despite crushing and other activities at the quarry being audible.
- Increased noise will adversely affect holiday-let business.

5.5 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
MIN2 Criteria for Assessing the Benefits of Mineral Proposals
MIN3 Minerals and Landfill Restoration, Aftercare and After-use
MIN7 Aggregate Minerals (Strategic Policy)
MIN 8 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 Appraisal. Tynedale District Council. 2008

7. Appraisal

7.1 The application seeks the variation of 4 conditions - condition 1 (duration of operations); condition 2 (approved plans); condition 17 (noise) and condition 30 (restoration) that were imposed on planning permission 17/04637/VARCCM.

7.2 Condition 1 states:

The extraction of minerals and associated development hereby permitted including the extraction, processing and stockpiling of minerals shall cease on or before 31 December 2021 and the site shall be restored in accordance with the plans and details hereby approved on or before 31 December 2023.

Reason: To ensure that the development is completed and the site is restored within a reasonable timescale (Policies SM1 and R1 of the Northumberland Minerals Local Plan).

7.3 The application seeks the amendment of this condition to extend the duration of operations to 31 December 2031 with restoration to be complete by 31 December 2033. This amendment is consistent with the timescales for working and restoring the northern extension. It is therefore considered to be acceptable.

7.4 Condition 2 states:

The development hereby permitted shall be carried out in accordance with the following plans:

Figure 2-1 Location Plan - Divet Hill Quarry

Figure 2-2 Location Plan - 16/04140/VARYCO

Figure 2-3 Location Plan - 07/00160/CCMEIA

Figure 2-4 Site Survey and Extraction Boundary

Figure 2-5 Complete Excavation

Figure 2-6 Cross Sections 1 & 2

Figure 2-7 Proposed Phase Boundaries

Figure 2-8 Proposed Phasing Plan

Figure 2-9 Proposed Final Restoration Plan, Revision C

Figure 2-10 Proposed Progressive Restoration, Revision A

Figure 2-11 Tree Constraints Plan Figure 2-12 Tree Protection Plan and the Environmental Statement, dated December 2017

Until the completion of restoration, a copy of this notice of decision, together with copies of the documents specified in these conditions, and any subsequent amendments, shall be maintained in the site office and made available at all times.

Reason: To ensure that the development is carried out in accordance with the approved plans and to assist the operator and site personnel in being aware of the terms of the planning permission (Policy SM1 of the Northumberland Minerals Local Plan).

7.5 The application is to amend the condition to refer to other relevant plans. The updated condition is Condition No.4 in the recommended conditions.

7.6 Condition 17 states:

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

Newonstead Farm 45 dB(A)Laeq (1 hour) freefield

Little Bavington 44 dB(A)Laeq (1 hour) freefield

Homilton Farm 46 dB(A)Laeq (1 hour) freefield

Clay Walls 41 dB(A)Laeq (1 hour) freefield

Great Bavington 43 dB(A)Laeq (1 hour) freefield

Bavington Mount 45 dB(A)Laeq (1 hour) freefield

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

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

7.7 The application proposes increased noise limits at Little Bavington (46 dB(A) Laeq 1 hour freefield) and Clay Walls 42 (dB(A)Laeq 1 hour freefield). The other proposed limits are unchanged. Public Protection consider that these limits are acceptable and they have been included in Condition No.22 in the recommended conditions.

7.8 Condition 30 states:

That the restoration of the site shall be undertaken in accordance with the following documents,

Figure 2-9 - Final Restoration Plan

Figure 2-10 - Progressive Restoration Plan

Whin Grassland Creation Method Statement, dated August 2018 (Appendix 7-7 of EIA)

Landscape Restoration Proposals (Appendix 6-3 of EIA)

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

7.9 The application proposes updating this condition to refer to the new documentation contained within the Environment Statement submitted in support of the northern extension application and this application. This is acceptable and appropriate changes have been made in Condition No. 43 in the recommended conditions.

7.10 Should the Committee resolve to grant planning permission for the northern extension to the quarry, the conditions that are recommended to be imposed on this application would supersede and replace the conditions in the existing permissions for the quarry. The recommended conditions include the new conditions and exclude various conditions attached to the existing permissions that are no longer relevant. Most of the recommended conditions are the same as the recommended conditions for the northern extension to the quarry.

7.11 The concerns raised by the Parish Council and local residents have been considered and taken into account in the detailed appraisal that has been carried out of the proposals for the northern extension. That appraisal concluded that the planning balance weighs in favour of granting planning permission for the northern extension subject to the imposition of planning conditions. There are no objections to the proposals to vary these conditions raised by other statutory or non-statutory consultees.

Equality Duty

7.12 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

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

Human Rights Act Implications

7.14 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.

7.15 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.

7.16 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 It is concluded that the application is acceptable in the interests of the continued working of the quarry and should be approved subject to conditions.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following:

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 (App. No. 20/3661/VARCCM)

Figure 2-3: Section 73 Application Area (App. No. 20/3661/VARCCM)

Figure 2-4 Site Survey and Extraction Boundary (App. No. 17/04637/VARCCM)

Figure 2-5 Complete Excavation (App. No. 17/04637/VARCCM)

Figure 2.6 Cross Sections 1 & 2 (App. No. 17/04637/VARCCM)

Figure 2.7 Proposed Phasing Boundaries (App. No. 17/04637/VARCCM)

Figure 2-8 Proposed Phasing Plan (App. No. 17/04637/VARCCM)

Figure 8: Indicative Quarry Development Plan: Proposed Operational Site Plan (App. No. 20/3661/VARCCM)

Figure 2-9: Proposed Final Restoration Proposals (App. No. 20/3661/VARCCM)

Figure 2-10: Sections AA and BB (App. No. 20/3661/VARCCM)

Documents:

Environmental Statement Volume 1: Written Statement. October 2020

Planning Statement October 2020

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 _{aeq} (1 hour) freefield
Little Bavington	46 dBL _{aeq} (1 hour) freefield
Homilton Farm	46 dBL _{aeq} (1 hour) freefield
Clay Walls	42 dBL _{aeq} (1 hour) freefield
Great Bavington	43 dBL _{aeq} (1 hour) freefield
Bavington Mount	45 dBL _{aeq} (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_{aeq} (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)_{Laeq} (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. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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

43. 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.

44. 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.

45. 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

46. 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.

47. 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.

48. 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.

49. 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.

50. 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

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(s) 20/03661/VARCCM (this application), 20/03660/CCMEIA (application for northern extension)