

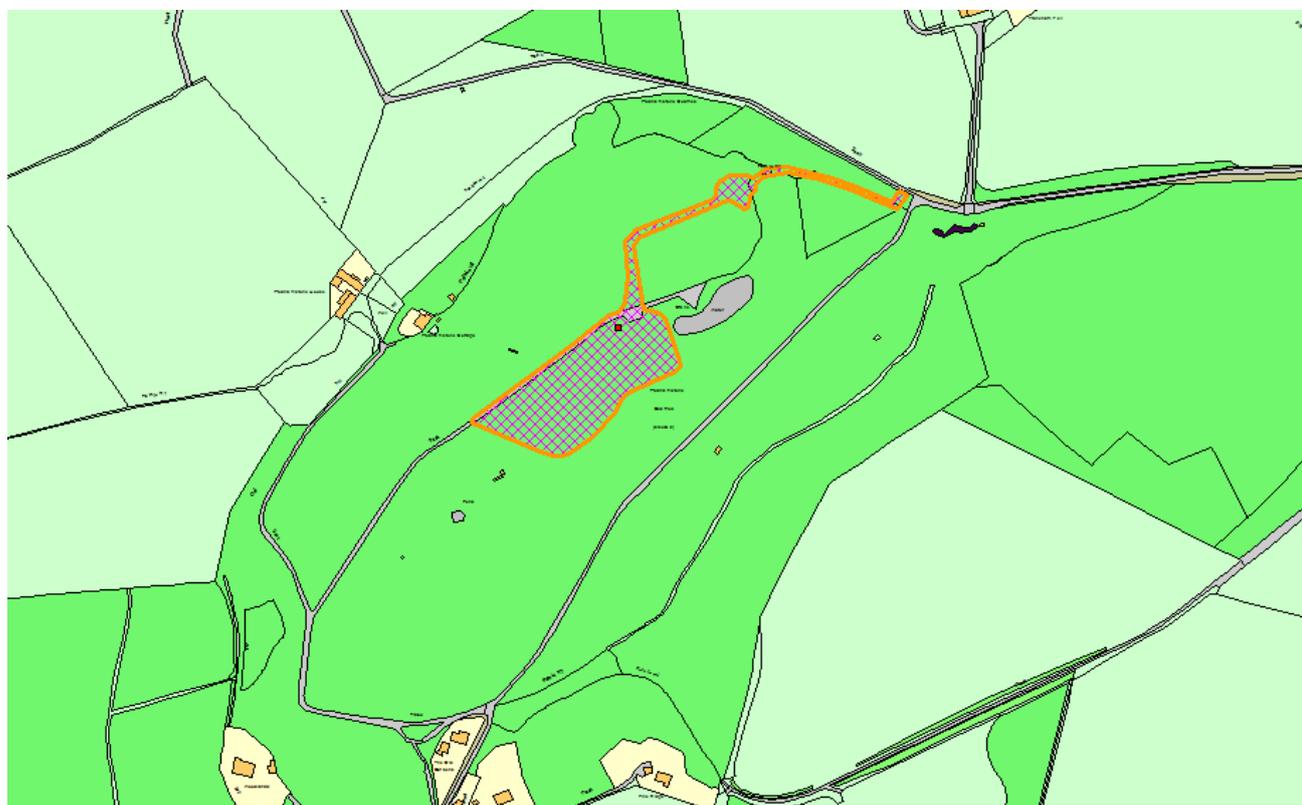


Northumberland County Council

Strategic Planning Committee, 1 March 2022

Application No:	20/01107/CCM		
Proposal:	Extraction of sandstone.		
Site Address	Prudham Quarry, Newbrough, Northumberland,		
Applicant:	Mr Robert Charlton Kirkholme, Lanty's Lonen, Haltwhistle, Northumberland NE49 0HQ	Agent:	Mrs Katie Wood 1 Meadowfield Court, Meadowfield Industrial Estate, Ponteland, Newcastle Upon Tyne NE20 9SD
Ward	Humshaugh	Parish	Warden
Valid Date:	6 April 2020	Expiry Date:	31 March 2022
Case Officer Details:	Name: Mr Gordon Halliday Job Title: Consultant Planner Tel No: 07785 727053 Email: gordon.halliday@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to the Secretary of State not wishing to call in the application for determination



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1. Introduction

- 1.1 Under the terms of the current Scheme of Delegation this planning application is to be determined by the Strategic Planning Committee, as it is a County Matter (minerals) development proposal that has received significant public interest.
- 1.2 The Committee refused a previous application for the proposed development in May 2019. Further details are provided in Section 4 below.
- 1.3 A report on the application was prepared for the meeting of the Committee to be held in December 2021. However, in error, that report included references to a report commissioned from Wardell Armstrong on land stability that was subsequently withdrawn. In December 2021, Wardell Armstrong were commissioned to provide further advice on land stability and the Environment Agency and the Local Lead Flood Authority were invited to respond to a number of questions on water management issues. The responses from Wardell Armstrong, the Environment Agency and the Local Lead Flood Authority have been taken into account in preparing this revised report. This report has also taken into account further representations received on the proposals since the original report was prepared.
- 1.4 The County Council has adopted a Screening Opinion under the Town and Country Planning (Environmental Impact Regulations) 2017. This concludes that the County Council, as Minerals Planning Authority, considers that the proposed development is not likely to have significant effects on the environment and as such is not considered to be EIA development.

2. The Application Site and Surrounding Area

- 2.1 Prudham Quarry (historically known as Prudhamstone Quarry) is a former sandstone quarry located 900m northwest of the village of Fourstones, 1.2km northeast of Newbrough and 7km northwest of Hexham, on the north side of the South Tyne valley. The former Fourstones Quarry that produced limestone is located to the south east of Prudhamstone Quarry. The nearest residential properties to the extraction area include Prudhamstone Cottage and Prudhamstone House, about 130 metres and 170 metres respectively to the west, Frankham Fells Boarding Kennels about 350 metres to the north east, and several properties about 300 metres to 400 metres to the south and south west including The Old Gardens and Woodlands.
- 2.2 The quarry was worked between about 1830 and 1914. It was a large quarrying operation that included steam driven cranes and a quarry tramway to extract and export sandstone towards the adjacent Fourstones Quarry and then south along a mineral tramway to the limeworks at Fourstones Station for onwards transport. Subsequently it was worked on an intermittent business with the last known mineral extraction believed to be in the 1970s and early 1980s.
- 2.3 The Prudham Quarry site retains many features of previous mineral exploitation including waste dumps of various sizes, crane bases and lengths of retaining walls and revetments. A long embankment, formerly a tramway, runs east – west across the site and is now the access road to Prudhamstone House. A former quarry void has become a waterbody known locally as the ‘Blue Lagoon

The quarry face runs for 400 - 500 metres northeast to southwest and is exposed in places showing a 15 - 20 metre high face, set into which is a variety of shot holes tool marks, blast features and iron bars.

- 2.4 The quarry site is now mixed plantation woodland mainly of Norway Spruce with some Scots Pine around the application site. Much of the plantation has matured and recent forestry management operations are evident. The ground flora is an acidic heath mix, including heather, foxglove and bramble. Extensive areas of the woodland are rock and spoil heaps discarded from the former quarry workings and allowed to naturally revegetate. The former quarry extended further to the east beyond the woodland where it was subsequently used for the disposal of household waste – the former Frankham landfill site.

3. Description of the proposal

- 3.1 It is proposed to extract up to 5200 tonnes of sandstone over a 5-year period. The annual extraction would be between 1000 and 1200 tonnes. It is expected that the sandstone would be used for the restoration of historic buildings that had been originally constructed with the exact or similar sandstone. Additionally stone would be used for new build projects.
- 3.2 The application site is only a small part of the former quarry. The proposal would include access tracks, quarry compound and stone storage and loading area as well as the operational quarry extraction area that involves the reopening of a small portion of the former quarry to extract an area of outcropped sandstone to the southwest of the 'Blue Lagoon'. The main area for extraction is an 8 metre high sandstone face approximately 50 metres in length that would be worked in a south-easterly direction. Working would be intermittent for 6 to 12 week periods depending on demand. Working hours would be 08.00 to 17.00 Monday to Friday, with reduced hours of 09.00 to 16.00 in winter. There would be no working on Saturdays, Sundays or Bank Holidays.
- 3.3 Extraction would be by a mechanical excavator with the use of black powder (low velocity explosive) to break the larger blocks of sandstone or create a joint at the quarry face. The material would be loaded on to a forklift for transport to the storage area which would be located near to the site entrance to the north of the working area.
- 3.4 No crushing, screening or processing of stone is proposed at the application site. All stone would be transported to the applicant's masonry works at Haltwhistle by 6-wheeled articulated vehicle. Annual extraction of 1000 – 1200 tonnes would equate to two vehicles leaving the site each week. However, as extraction would be intermittent, the proposal is that there would be a maximum of six two-way movements each working day. Heavy goods vehicles would not enter or leave the site except between the hours of 09.00 and 15.00 thus avoiding peak hours and school movement times.
- 3.5 It is proposed to extract the stone from the quarry in two phases. Phase 1 would involve extracting stone from an area to the east of the quarry. The extent of phase 1 has been significantly reduced compared to the original proposal meaning that the block of sandstone lying west of the 'Blue Lagoon' will no longer be removed. Phase 2 would involve extracting the main

sandstone outcrop that remains above ground to the west of the application site. All extraction would be from above existing ground level.

- 3.6 The site access would be from the existing access into the woodland area and lead into a compound area. The compound area would be used for the storage of stone as well as necessary welfare equipment. A number of trees would need to be removed to widen the existing access track for the articulated vehicle and at the site of the proposed compound. The removal of trees is a feature of the normal management of the woodland.
- 3.7 The proposed haulage route from the quarry to the strategic road network (A69) is via the C226 to the junction with the B6319. At this junction lorries would turn towards Fourstones and travel through the village and southwards to the A69.
- 3.8 When the quarry is operational, the non-haulage vehicle movements would include daily access of one van to transport quarry operators and their small tools to the site. Additionally there would be periodic visits by a low loader for the delivery and collection of quarry plant. There would also be periodic visits by the quarry operators and their advisors to monitor and control extraction operations.
- 3.9 Restoration of the site would be carried out following cessation of mineral extraction and would involve regrading and reprofiling the operational quarry void with some of the resulting quarry spoil and then covering with fines from the spoil. The spoil heaps would then be allowed to regenerate naturally and it is anticipated that this would encourage the colonisation of the spoil with Birds Foot Trefoil. The compound areas and access track would be regraded, seeded and left to regenerate naturally as necessary.

4. Planning History

- 4.1 The previous application (reference 16/01458/CCM) was submitted in April 2016. Following extensive discussions it was presented to the Strategic Planning Committee on 7 May 2019 with a recommendation to refuse planning permission. The Committee voted unanimously to refuse the application.
- 4.2 The decision notice was issued on 8 May 2019 stating that planning permission was refused for the following reasons.

1. The proposal had not demonstrated that the risks posed by the development to groundwater could be satisfactorily managed. Therefore the proposal was contrary to paragraphs 163 and 170 of the NPPF and Policy GD5 of the Tynedale LDF Core Strategy.

2. The proposal was for mineral extraction and associated restoration. The proposed restoration scheme could not be fully assessed due to the lack of submission of an indicative restoration scheme. This was contrary to the NPPF and Policies R1, EP22 and SM1 of the Northumberland Minerals Local Plan.

5. Changes from the Previous Application

- 5.1 The previous planning application originally sought extraction from three phases of working. Phase 3 was subsequently deleted and was not included in the

proposals considered by the Strategic Planning Committee. Phase 3 is not included in the current application. As stated in paragraph 3.5 above, the current proposal also excludes most of the original Phase 1.

- 5.2 The new application is supported by information that seeks to address the previous reasons for refusal. This includes the results of the monitoring of 4 groundwater boreholes, additional topographical information to support the assessment of surface water in the locality, a revised surface water management scheme and a proposed restoration scheme. The application is also supported by new information on ecology and noise. Some of this information was not submitted when the new application was originally submitted but has subsequently been provided in response to requests for further information from statutory consultees, Council officers and members of the public. Each of these is described and assessed in section 7 of this report.

6. Consultations, Neighbour Notification and Publicity

- 6.1 The application was advertised by press and site notices and neighbour notification and consultation with statutory and other bodies was carried out in April 2020. Two subsequent rounds of neighbour notification and consultation were carried out in August 2020 and January 2021 following the receipt of amended proposals and additional information. In response to requests for further information on water management issues, revised plans and additional information were submitted in October 2021. The applicants agreed that after the various water management organisations had considered this information and submitted final comments to the Mineral Planning Authority, the application should be presented to the Strategic Planning Committee for determination.

Consultation Responses

<p>Warden Parish Council</p>	<p>Objects to the proposed re-opening of Prudham Quarry. We were surprised to see a repeat application containing so little change from the original, which was rejected overwhelmingly by the planning committee last time. The Council appreciates the unique and special qualities of the stone and would be more sympathetic to its use in restoration and repair but would find it difficult to support quarrying for new build.</p> <p>Over the past 2 years the Council has become increasingly concerned about the danger posed to residents by traffic travelling through the village; numerous complaints have been received. We are currently working with our county councillor to address these problems. The additional risks posed by the proposed heavy lorry traffic travelling on the narrow roads that run through our villages are unnecessary and unacceptable.</p> <p>We do not pretend to possess expertise in the hydrological issues raised by this application but note the significant efforts put in by local residents to ensure that water supply, flooding and landslip issues are taken seriously. We would urge the committee to take these aspects fully into account. The report from a consultant repeatedly says that "there is no evidence to... " but the damaging impacts of this application will only</p>
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	<p>become evident after the quarry has been re-opened, which of course will be too late for local residents threatened by flooding and landslip.</p> <p>Not for the first time in recent years we are faced with the prospect of a small, industrial development in the village which it appears will provide no new jobs and little economic benefit to the village.</p> <p>We made reference in our comments on the original application regarding the importance of the effects on wildlife of the quarrying proposal. The subsequent declaration of a "climate emergency" by Northumberland County Council makes it more imperative than ever to protect wildlife sites such as this from industrial development.</p> <p>We would like to see this planning application firmly rejected again, but in the event of permission being granted we would like to see the following conditions imposed.</p> <p>a) A condition to limit the number of vehicular movements to not more than 6 on any day. The Council also has concerns over the planned route for loaded vehicles passing Park Shields, Whinneyhill and through Fourstones. A route northbound on the C226 to the B6318 would be preferable. The Council appreciates the necessity for a Section 59 agreement relating to the extraordinary traffic using the highway.</p> <p>b) The Council would want to see an appropriate comprehensive risk assessment that the threats of groundwater can be satisfactorily managed.</p> <p>c) It is important that the intrinsic nature conservation value of the site is safeguarded through mitigation measures for reptiles, breeding birds and red squirrels. A restoration strategy and mitigation plan are necessary.</p> <p>The Council trusts that the Council will be advised by NPPF paragraphs 109, 110 and 144, Local Plan policies NE21, NE24 and NE26, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Schedule 1, Bird, Wildlife and Countryside Act 1981 and Section 41 Natural Environment and Rural Communities Act 2006.</p> <p>The Parish Council reaffirmed its objections following consultation on revised plans and updated information, considering that the changes appear to be largely cosmetic in nature and expressing concern at inaccuracies in the plans particularly in respect of the all important bund.</p>
Newbrough Parish Council	<p>Supports this application and has no objection in principle to the extraction of stone from Prudhamstone Quarry.</p> <p>The site is a quarry, as its name Prudhamstone Quarry confirms, and because of this the site has metamorphosed into a locally designated site of nature conservation importance.</p>

	<p>The council anticipates that this short period of development will result in further enhancement of this site, although the submitted Restoration Plan lacks detail.</p> <p>This very beautiful, attractive sandstone was been used in the building of prominent buildings, many with listed status, in Newbrough and Warden as well as McEwan Hall and Waverley Hotel in Edinburgh. The quarry still has historical, cultural and economic benefits to offer.</p> <p>The Council would like mitigation measures in place for reptiles, breeding birds and, in the event of their return, red squirrel. The existing monitoring sites for groundwater levels should be periodically re-measured.</p> <p>The Council realise that the road traffic will be small but it will be significant, so the damage caused to the tarmac will need monitoring. It is not anticipated that noise will be an issue but we would want the developers to consider the fitting of all vehicles working on the site with reversing alarms of the "white noise" type rather than "bleepers".</p> <p>Health and Safety measures will advise the developers in the display of danger warning signs to alert members of the public of the dangers of the quarrying activities, and the Council would certainly reinforce this.</p> <p>The Council approves of the "restoration au naturel" – however this will need monitoring to ensure that the appropriate species were regenerating.</p>
Historic England	As the proposed development would not affect the setting of Scheduled Ancient Monuments or Listed Buildings, Historic England wishes to make no comments on the application.
Natural England	No objections as proposed development will not have significant adverse effects on statutorily protected nature conservation sites or landscapes.
Environment Agency	<p>No objections subject to conditions.</p> <p>The Agency originally objected to the proposed development but has withdrawn that objection following the submission of additional information and is now satisfied that any risks to groundwater can be satisfactorily managed.</p>
Northumberland Wildlife Trust	<p>No objections.</p> <p>The Trust originally objected to the proposed development on grounds that the applicant had not provided information on how the geological features of the Fourstones and Park Shield Quarries Local Wildlife and Geodiversity Site (LWS) would be protected and it also had wildlife concerns. However, it is now satisfied that both these matters have been adequately addressed.</p>
County Highways	No objections subject to the imposition of planning conditions related to the covering of vehicles, restriction of vehicle

	movements, a highway condition survey and a section 59 agreement for the repair of any damage to the highway resulting from the quarry operation.
County Ecologist	No objections subject to the imposition of conditions to protected species protected by law and to ensure that the restoration of the site conserves and enhances important habitats.
Public Protection	No objections subject to the imposition of conditions on noise, dust and private water supplies. Public Protection originally objected to the proposed development but has withdrawn that objection following the submission of additional information and is now satisfied that the operation of the site can be satisfactorily managed.
Lead Local Flood Authority (LLFA)	No objections subject to the imposition of conditions to ensure the effective disposal of surface water drainage and to ensure that the risk of flooding does not increase. The LLFA have liaised at length with the Environment Agency on any impacts that the proposed development might have on groundwater, surface water and flooding off site. It is considered that the proposed surface matter scheme will not increase the risk of flooding subject to ongoing maintenance of the on-site features and ongoing monitoring, which are the subjects of recommended conditions. The LLFA originally objected to the proposed development but has withdrawn that objection following the submission of additional information and is now satisfied that the operation of the site can be satisfactorily managed.
Countryside/ Rights Of Way	No objections provided that Public Footpath No 6 is protected where it passes the proposed site.
County Archaeologist	No objections subject to the imposition of a condition requiring an appropriate programme of archaeological work.
Building Conservation	No objections as it is considered that the proposed development will not cause any harm to surrounding designated heritage assets.

Public Responses

Neighbour Notification

7.2 The number of neighbours notified and the numbers objecting, supporting or submitting general comments are listed below.

Number of Neighbours Notified	254
Number of Objections	48*
Number of Support	9
Number of General Comments	3

- Note: There were objections from 48 individuals with some individuals submitting more than one letter of objection.

Notices

- 7.3 Site notices were posted in the vicinity of the site on 17 and 22 April 2020. A press notice was placed in the Hexham Courant on 23 April 2020.

Summary of Responses:

- 7.4 The letters of objection received to the application objected on the following grounds.
- Loss of woodland and wildlife habitats.
 - Threats to endangered and protected species.
 - Suitable stone for historic buildings is available from other quarries.
 - Proposed haulage route not suitable for heavy goods vehicles.
 - HGVs will increase risks to other users of the local roads including cyclists and pedestrians.
 - Danger to users of public footpath from Frankham to the public highway.
 - Increased noise disturbance for residents and wildlife from quarrying and traffic.
 - Concerns about dust and air pollution from quarrying and traffic.
 - Concerns about blasting
 - Negative impact on tourism and local economy.
 - No employment or economic benefits to local community.
 - Inappropriate development in the Green Belt.
 - Hydrology and land stability concerns increased following recent removal of mature trees from spoil heaps.
 - Increased risk of localised flooding.
 - Previous working resulted in a landslip on a spoil heap contaminating spring drinking water.
 - Disturbance to the complex hydrology around Frankham
 - Potential for contamination of local springs and Blue Lagoon.
 - Concern about adverse effects from suspended solids on quality of water supply to Woodlands Spring.
 - Concern about accuracy of submitted plans and information.
- 7.5 The letters of support received made the following points.
- Local need for employment
 - Appropriate use for the stone in refurbishment of historic buildings.
 - Avoidance of disruption to local resident,
 - Low levels of traffic to be generated.
 - Good standard of access road.
 - Support for return of local industrial heritage of area.
- 7.6 The above is a summary of the comments. The full written text is available on our website at:
<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q87O7YQSFNO00>

8. Planning Policy

- 8.1 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 comprises saved policies from the Northumberland Minerals Local Plan (NMLP) (2000), the Tynedale Local Development Framework Core Strategy (TLDFCS) (2007) and saved policies from the Tynedale District Local Plan (TDLP) (2000).
- 8.2 The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.
- 8.3 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The independent examination of the Northumberland Local Plan (NLP) has concluded, and the Inspectors' report is published on the Council's website. The Inspectors consider that subject to a number of recommended Main Modifications, the NLP is 'sound' and provides an appropriate basis for the planning of the County. The plan is in the final stage of preparation, there are no unresolved objections, and the plan is consistent with national policy, and therefore significant weight should be given to the policies in the NLP.
- 8.4 The following saved policies in the NMLP are relevant to the consideration of the application.

S1 Minerals Supply and Efficiency of Use
S6 Good Working Practices
SA1 Future Sandstone Workings
EP3 Landscape Protection
EP6 Sites of Regional or Local Importance for Nature Conservation
EP7 Conserving Nature Conservation Value
EP14 Protecting and Maintaining Employment
EP15 Protecting Tourism and Recreation Interests
EP16 Protecting Public Rights of Way
EP 17 and 18 Encouraging Alternatives to Road Transport and Mitigating Impacts
EP19 Protection of Local Communities
EP22 Ensuring Acceptable Site Operations
EP23 Securing Community Benefit
SM1 Ensuring Good Site Management
R1 Site Reclamation

8.5 The following policies in the TLDFCS are relevant to the consideration of the application.

GD3 Green Belt
GD4 Principles for Transport and Accessibility
GD5 Minimising Flood risk
NE1 Principles for the Natural Environment

8.6 The following saved policies in the TDLP are relevant to the consideration of the application.

NE21 Protection of Sites of Nature Conservation Importance
NE26 Protection of Habitats of Special Importance to Wildlife
NE27 Protection of Protected Species
NE33 Protection of Trees, Woodlands and Hedgerows

8.7 The following policies in the Northumberland Local Plan are relevant to the consideration of the application.

STP3 Principles of Sustainable Development
STP8 Development in the Green Belt
ENV2 Biodiversity and Geodiversity
ENV3 Landscape
WAT3 Flooding
POL2 Pollution and Air, Soil and Water Quality
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
MIN11 Natural Building and Roofing Stone (Strategic Policy)

8.8 The Northumberland Landscape Character Assessment (2010) is also a relevant document.

9. Appraisal

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

- Principle of the development
- Green Belt
- Landscape and visual impact
- Impact on residential amenity
- Transport considerations
- Impact on ecology
- Impact on heritage assets
- Impact on surface water and ground water

- Impact on ground stability
- Restoration of the site
- Benefits of the proposed development

Principle of the Development

- 9.2 Policy S1 of the NMLP states that land will be made available for mineral working to allow an appropriate and efficient contribution to local, regional and national needs where the development would not result in an undue adverse impact on local communities or the environment. NMLP policy SA1 deals specifically with sandstone quarries and states that proposals, including the reopening of old quarries and extensions to existing quarries, will only be permitted if there is a need for material which cannot be met from existing sites and there would not be a significant adverse impact on local communities or the environment.
- 9.3 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 MIN2 states that great weight will be given to the benefits of mineral extraction and sets out the matters to be considered when assessing the benefits. Policy MIN 11 states that proposals for the provision of building stone, including from historic quarries which do not have a current planning permission will be supported where certain criteria can be demonstrated.
- 9.4 The NPPF 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 (paragraph 211).
- 9.5 In relation to building stone the NPPF states that MPAs should “*consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries, needed for the repair of heritage assets, taking account of the need to protect designated sites; and recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions, reflecting the intermittent or low rate of working at many sites*’ (paragraph 211 (f) and (g)).
- 9.6 In the submission the applicant stated that NMLP Policy SA1 that requires need for the development to be demonstrated, does not accord with the provisions of NPPF paragraph 211, f and g. The applicant stated that the proposal is in accordance with the NPPF and Policy MIN11 of the emerging NMLP.
- 9.7 Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies have been set out above. The main Development Plan policy related to the principle of the development of a new or

reopening of a former sandstone extraction quarry is saved policy SA1 in the NMLP. Although the NMLP was adopted 20 years ago its saved policies still carry weight, with the degree of weight to be afforded to individual policies being influenced, inter alia, by the extent to which they are consistent with the NPPF which is a material consideration.

- 9.8 As stated above, in the submission the applicant stated that saved policy SA1 does not accord with the NPPF. However, although the NPPF does not set out specific policy requirements in relation to the need for and supply of sandstone, it is considered that saved policy SA1 provides a local approach to manage development to ensure needs are addressed and balanced against the need to ensure the long-term conservation needs of these finite resources. The documents originally submitted with the application did not contain information on the quality and characteristics of the material proposed for extraction in order to fully understand the settings where it could be used or why demands for such material could not be sourced from an existing quarry with planning permission.
- 9.9 It is considered that saved policy SA1 does carry some weight and therefore the applicant was requested to provide further information in order for the policy requirements to be assessed. The applicant points out that although there are other sandstone quarries with planning permissions in Northumberland, there is considerable variation in their colour and physical properties. It is stated that the sandstone at the application site has been tested and shown to be a quality product with unique characteristics not available at other quarries in the county that would be used in restoration projects and new developments that are required to be constructed of materials that respect their settings.
- 9.10 Some local residents have suggested that the quality of the sandstone from the former Prudhamstone Quarry has been variable and that any need for sandstone could be met from existing quarries. The applicants acknowledge that some of the stone did in the past show a tendency to weather under polluted atmospheric conditions, but they consider that the stone came from the upper weaker beds which show evidence of alteration. They state that the lower beds that are proposed for extraction are more resilient, show no evidence of deterioration where exposed and exhibit close compatibility with the more resilient sandstone previously worked at the quarry and used in traditional buildings. They state that the main use of the stone will be in conservation works and building repairs. It can be seen on site that the top layers of the main pillar of sandstone proposed for extraction are weathered, presumably due to their exposure to rain, but that the exposed faces show no such signs of cracking or splitting.
- 9.11 The applicants have submitted details of significant buildings that were built with sandstone from the former Prudhamstone quarry. These included Central Railway Station, Newcastle upon Tyne (1840s and during restoration work in 1976), Municipal Offices, Stirling (1900s and 1960s), a number of well known buildings in Edinburgh including McEwan's Hall (1887-97), North British Hotel, Princes Street (1902), Scotsman Buildings, Market Street and North Bridge (1902) as well as many tenements and villas in the city, as well as paving for the entrance court to Hillgate House, Old Bailey, London (1984) and locally for the village hall in Newbrough and many of the stone built buildings in the locality. The scale of working at the former quarry suggests that there will be many

buildings both locally and further afield that were built with Prudhamstone sandstone.

- 9.12 The strategy in the NLP for new sandstone quarries envisages them being permitted where this would help maintain a steady, adequate and diverse supply of materials, subject to complying with the environmental safeguards set out in Policy MIN1. The applicants state that the demand for stone is increasing and matching stone from the upper Middle Limestone group, such as that from Prudham, for use in conservation work has not been readily available leading to stone that is not necessarily an ideal match being used in these works. Such statements are not easy to verify but the experience of mineral planners in Northumberland supports the general view that the materials from sandstone quarries in the County do have diverse characteristics that cater for diverse projects. This applies in particular where the quarries are geographically dispersed.
- 9.13 There are currently 10 operational sandstone quarries in Northumberland. In addition there is one quarry that has planning permission but has not yet commenced operations. The planning permissions for five of these quarries will cease over the next few years. Most are worked intermittently. There are no operational quarries within the vicinity of the application site.
- 9.14 Bearing in mind that the weight that can be given to policy SA1 is limited because it is only partially consistent with the NPPF and the NLP is at a very advanced stage especially following the publication of the Inspectors' report, it is concluded that it would not be reasonable or justifiable to refuse planning permission on grounds of non-compliance with the first part of policy SA1. This is consistent with the officer report on the original application, which did not find any conflict with policy SA1.
- 9.15 The various other aspects affecting the principle of development, including whether there are unacceptable adverse impacts on local communities and the natural and built environment, are dealt with in the remaining sections below of this appraisal.

Green Belt

- 9.16 The site is located in the Tyne and Wear Green Belt. The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 137).
- 9.17 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 147). Certain forms of development, including mineral extraction, are not inappropriate provided that they preserve its openness and do not conflict with the purposes of including land within it (paragraph 150).
- 9.18 The NPPF (paragraph 138) states that the Green Belt serves five purposes:
a) to check the unrestricted spread of the built up area;
b) to prevent neighbouring towns from merging into one another;
b) to assist in safeguarding the countryside from encroachment;

- d) to preserve the character and setting of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 9.19 Openness is not defined in the NPPF but case law has established that it is considered to be more than just the absence of built development and in relation to mineral development could include the impact of such features as earth bunds and landscape screening.
- 9.20 In terms of the purposes of the Green Belt it is the third purpose – to assist in safeguarding the countryside from encroachment - that is most relevant in relation to the application site. It is necessary therefore to consider whether the proposed development would constitute an unacceptable form of encroachment into the countryside. The proposed development would be located in a former quarry on land within a wooded area. The proposed extraction operations would not be visible from outside the site even if the trees were removed. The proposal is for a relatively small-scale operation over a limited time period.
- 9.21 It is concluded that the proposed development would not result in any unacceptable loss of openness and would not represent encroachment into the countryside. The proposal therefore is not contrary to the aims and purposes of the Green Belt and would not represent inappropriate development in the Green Belt. It therefore complies with paragraphs 137, 138 and 150 of the NPPF.

Landscape and Visual Impact

- 9.22 Policy EP3 of the NMLP requires minerals developments to take account of potential impacts on the landscape during and after working. Policy ENV3 in the NLP deals with landscape and states that in assessing development proposals in relation to landscape character, it will be considered whether sufficient regard has been had to the guiding principles and other relevant guidelines set out in the Northumberland Landscape character assessment. Policy MIN1 in the NLP requires applicants for mineral developments to demonstrate that the proposal can be effectively and appropriately integrated with its surroundings and the character of the landscape.
- 9.23 In the Northumberland Landscape Character Assessment, the site is mainly located within Landscape Character Type 31: Glacial Trough Valley Sides. Key characteristics of LCT 31 include valley sides of a glacial trough between the North Pennines and the Northumberland uplands; ancient semi-natural woodland associated with natural springs and incised boundary valleys; and areas of coniferous plantation and shelterbelts in places. LCT 31 is divided into a number of Landscape Character Areas and the site is mainly within LCA 31(b): Haltwhistle to Bridge End, in which area the valley sides are characterised by a strong pattern of hawthorn hedges with hedgerow trees and areas of semi-natural woodland in deep gullies which drain the upland to the north. The access track lies within the adjoining LCT 29: Broad Wooded Valley. One of the key qualities of LCT 29 is stated as being the remnants of past mining activity including disused railways, stone bridges and old quarries which add local visual and historical interest

- 9.24 The wider former quarry site is an established feature in the local landscape. The application site forms only a small part of the former quarry and is not visible from beyond the immediate area due to the screening effects of topography and mature woodland. Site operations would not be seen from public roads within the immediate area. Vehicles transporting material from the site would be visible but the limited vehicle movements mean that the visual impact is not considered to be significant. Overall therefore the proposal would have only limited effects on visual amenity and the character of the local and wider landscape. It therefore complies with Policy EP3 in the NMLP and Policies ENV3 and MIN1 in the NLP.

Impact on Residential Amenity

- 9.25 Policy EP19 of the NMLP requires consideration of the potential disturbance to local communities. Policy S6 of the NMLP aims to protect local communities through ensuring high operational standards and long-term environmental improvements. 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. 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.
- 9.26 The following paragraphs deal separately with noise, dust and blasting / vibration. Transport considerations and impact on private water supplies are considered in subsequent sections of this report.

Noise

- 9.27 National Planning Practice Guidance 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 – 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 – 1900, and 42b(A)LAeq 1hr free field between 20.00 – 07.00.
- 9.28 A noise survey was carried out and found that the background (LA90) level was very low at 26dB LA90. The three nearest residential properties are Prudhamstone Cottage, about 130 metres to the west of the extraction area, Frankham Fells Boarding Kennels about 345 metres to the north and The Old Gardens about 295 metres to the south. The submitted noise assessment report demonstrates that in the worst case scenario, predicted noise levels at these properties would range between 27 dBLAeq 1 hour and 40 dBLAeq 1 hour and would therefore not exceed the night time limits set out in NPPG even although all operations would be carried out during daytimes.
- 9.29 The Council's Environmental Protection Team have undertaken a technical review of the submitted information and have assessed the environmental impacts relevant to the proposed development. It considers that the activity proposed at Prudham Quarry will be relatively small-scale and time limited and

that the topography of the site in relation to nearby properties will limit the environmental impacts. Taking into account the findings of the noise assessment report, it is agreed that achieving a limit of not more than 10dB(A) above background would be an unreasonable burden on the mineral operator. Some local residents have questioned whether the choice of Frankham Fells Boarding Kennels was an appropriate location to record background noise levels. Whilst there are other properties closer to the application site where background noise levels might have been lower, these are screened by mature woodland and topographic features. The Council's Environmental Protection Officer has raised no objections on noise impact subject to the imposition of conditions. It is concluded that the noise impact on residential amenity would be acceptable subject to compliance with planning conditions and that the proposal therefore complies with policies EP19 and S6 of the NMLP, Policies MIN1 and POL2 of the NLP and paragraph 211 (c) of the NPPF.

Dust

- 9.30 National Planning Practice Guidance advises that where dust emissions are likely to arise, mineral operators should prepare a dust assessment study. The planning statement submitted with the planning application recognises that the quarrying operations have the potential to create dust from the operation of wheeled vehicles and tractor plant in dry conditions. It proposes that in order to minimise the potential for dust generation the access tracks would be hard surfaced and untracked areas, including those within the quarry, would colonise with vegetation over time.
- 9.31 A dust assessment study has not been submitted with the application. However, the Council's Environmental Protection Team considers that the proposed mineral operations are unlikely to generate dust that will cause loss of amenity to local residents and the activity does not require an environmental permit under the Environmental Permitting (England and Wales) regulations 2016. It has recommended conditions requiring the submission of a Dust Management Plan covering dust generation, mitigation, monitoring over the lifetime of the development and management of any dust related complaints. It is concluded therefore that the proposal complies with policies EP19 and S6 of the NMLP, Policies MIN1 and POL2 of the NLP and paragraph 211 (c) of the NPPF.

Blasting and Vibration

- 9.32 It is anticipated that blasting using small volumes of low velocity black powder explosive would be required to split the sandstone. This is the technique that was used at the former quarry as can be seen from the shot holes on the quarry face. The explosive would not be stored on site but would be transported to the quarry by site operatives when it was needed.
- 9.33 The three effects associated with blasting are ground vibration, air over pressure and projected rock particles (flyrock). The extent of disturbance is dependent on a number of factors including type and quantity of explosive, degree of confinement, distance to nearest buildings, the geology and topography and atmospheric conditions.

- 9.34 In this case it is not anticipated that there would be any unacceptable impact on residential amenity arising from the limited blasting using small volumes of low velocity black powder explosive that would take place. A condition is recommended requiring a blasting scheme to be submitted for the approval of the Mineral Planning Authority. The proposal therefore complies with policies EP19 and S6 of the NMLP, Policies MIN1 and POL2 of the NLP and paragraph 211 (c) of the NPPF.

Transport Considerations

- 9.35 Policy EP18 in the NMLP states that the assessment of proposals for mineral workings will take into account transport considerations including the suitability of the road network to accommodate traffic, the routing of traffic to avoid settlements and the effect on highway safety, highway maintenance and the environment. Policy MIN1 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.
- 9.36 It is proposed that there would be maximum 6 two-way heavy goods vehicle (HGV) movements per day during the periods of working. The applicants have agreed that there would be no HGV movements before 09.00 or after 15.00 and when the site is not operational. The proposed haulage route is from the site onto the C226, to the junction with the B6319 and through Fourstones Village to the A69. In addition non-haulage vehicles would include daily access by one van to transport quarry operators to the site, periodic visits by a low loader for the delivery and collection of quarry plant and periodic visits by the quarry operator and monitoring personnel.
- 9.37 Warden Parish Council and some local residents have raised concerns about traffic passing through Fourstones. However, an appropriate Transport Assessment has been submitted by the applicant, vehicle numbers would be limited and County Highways have raised no objections subject to the imposition of planning conditions related to vehicles having their loads secured, restriction of vehicle movements, a highway condition survey and a section 59 agreement for the repair of any damage to the highway resulting from the quarry operation. There is no rail or water connection to the site.
- 9.38 Public Footpath No. 6 passes adjacent to the site. Some local residents have raised concerns that local walkers use the access track leading to the woodland. The Council's Rights of Way Officer has raised no objections to the proposal subject to the condition of the public footpath being protected. This is the subject of an informative, should the Committee be minded to grant planning permission.
- 9.39 It is concluded that the proposed development complies with policy EP18 in the NMLP and policy MIN1 in the NLP. It is therefore acceptable in highways terms subject to the imposition of appropriate planning conditions and the satisfactory conclusion of an agreement for the repair of any damage to the highway resulting from the quarry operation.

Impact on Ecology

- 9.40 Policy NE21 in the TDLP seeks to protect Sites of Nature Conservation Importance. The policy states that development which could destroy or adversely affect these sites will only be permitted where it can be demonstrated that there are no reasonable alternative means of meeting the need and the reasons for the development outweigh the need to safeguard the intrinsic nature conservation value 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 value resulting from development cannot be avoided, mitigated or compensated (paragraph 180a). Policy ENV2 in the NLP in relation to Local Wildlife and Geological Sites, states that if significant harm to biodiversity value cannot be avoided, mitigated or compensated for, then planning permission will be refused. Policy MIN1 in the NLP states that applicants will be required to demonstrate that their proposal will deliver a net gain for biodiversity where possible.
- 9.41 The application site lies wholly within the Fourstones and Park Shield Quarry Local Wildlife Site (LWS), the interest features of which are the grassland flora associated with the non-forested limestone areas to the east of the site and the geological series represented through the site. The locally scarce dingy skipper butterfly also occurs on some of the grassland areas of the site.
- 9.42 The first part of policy NE21 in the TDLP relating to the need for the development has been dealt with in paragraphs 9.7 to 9.14 above.
- 9.43 In relation to the impact on the LWS, the County Ecologist has commented that the part of the LWS included in and surrounding the planning application area is dominated by planted and self-sown conifers and therefore considers that the proposed quarrying will not harm the special features of the LWS.
- 9.44 In relation to the impact on protected species, the County Ecologist has commented that there are no known red squirrels at the site and even if they were present the amount of the plantation to be lost is such a small proportion of the total that this would not adversely affect them or compromise any future colonisation. The County Ecologist considers that great crested newts are unlikely to be present on the site and restoration presents opportunities to provide suitable habitats for the dingy skipper butterfly. The County Ecologist has also noted that all wild birds and their nests are protected and will need to be accounted for before any works commence. In conclusion therefore the County Ecologist has raised no objections to the proposed development subject to conditions being imposed to protect any species protected by law.
- 9.45 The Northumberland Wildlife Trust (NWT) originally objected on grounds that the applicant had not provided information on how the geological features of the Fourstones and Park Shield Quarries Local Wildlife and Geodiversity Site (LWS) would be protected and it also had wildlife concerns. However, following the submission of further information and discussions with the County Ecologist, NWT is now satisfied that both these matters have been adequately addressed. Warden Parish Council and a number of the objections from local residents have also raised concerns about the adverse impacts on the ecology of the site.

- 9.46 It is considered that the proposal will not harm the main geological features of the LWS. The main quarry face will not be worked as the proposal relates to extraction only from limited areas of outcropped sandstone.
- 9.47 Whilst the concerns of the Parish Council and local residents are recognised, having regard to the views of the County Ecologist and NWT, it is concluded that the proposal complies with policy NE21 of the TDLP, Policies MIN1 and ENV2 of the NLP and paragraphs 180a and 211b of the NPPF.

Impact on Heritage Assets

- 9.48 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). Policy MIN1(e) in the emerging NLP requires applicants to demonstrate that the proposal will not result in unacceptable harm to heritage assets. Policy ENV7 in the NLP states that decisions on development proposals will ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings.
- 9.49 The former Prudhamstone Quarry was the subject of the English Heritage Monuments Protection Programme (MPP) for the Quarrying Industry in 1996/97. The Step 3 reporting stage of the MPP recommended that the site should be scheduled because of its national importance. However, due to resource issues and a change in designation focus within English Heritage this was not progressed.
- 9.50 The applicant has carried out an archaeological assessment of the site which identified the significance of the features that would be removed or impacted as a result of the proposed extraction. The assessment concludes that the most significant parts of the quarry would not be affected by the proposal and that the impact on the features of lesser significance can be mitigated by investigation and recording. The County Archaeologist agrees with the assessment report in terms of the significance of the features to be affected by the proposal and has raised no objections subject to the imposition of a condition requiring an appropriate programme of archaeological work.
- 9.51 Mineral Planning Authorities are required to consider the effects that a development proposal could have on listed buildings and their settings and to have special regard to preserving the building, its setting or any features of special architectural or historic interest it may have. Special attention must also be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development in a conservation area. English Heritage has also issued advice that the assessment should consider the setting of conservation areas.
- 9.52 East Fourstones Farmhouse is a grade II listed building located 150 metres south of the application site. There are also separately listed farm buildings and shelter shed and pigsties associated with this farm. Newbrough Conservation Area, which includes a number of important historic buildings

including Newbrough Park and Home Farmhouse, is about 1.5 kilometres to the west of the application site. The application site and any workings would not be visible from any of these heritage assets due to the topography of the land and the presence of trees. The Council's Building Conservation Officer has raised no objections as it is considered that the proposed development would not cause any harm to these designated heritage assets.

- 9.53 It is concluded therefore the proposed development is acceptable in terms of its potential impact on heritage assets in the area and complies with paragraphs 197 and 211 of the NPPF and policies MIN1(e) and ENV7 in the NLP.

Impact on Surface Water and Ground Water

- 9.54 Policy NE1 in the TLDFCS states that the relationship between development and the natural environment should be managed to maintain the quality of ground and surface water. 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). Policy WAT1 in the NLP states that development will not be supported if it could disrupt the ground water movement or affect its chemical balance. Policy MIN1 in the NLP states that applicants will be required to consider the potential for the proposal to affect the flow, quality and quantity of ground and surface water supplies.
- 9.55 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.
- 9.56 The potential impact of the proposals on surface water and ground water has been the focus of considerable discussion, both on the original application and the current application. The Committee may recall that the Environment Agency, Local Lead Flood Authority and the Council's Public Protection Team objected to the original application and the potential impact on ground water was one of the reasons for refusing that application.
- 9.57 As noted above (paragraph 5.2) the new application is supported by information that seeks to address the previous reason for refusal. This includes the results of the monitoring of 4 groundwater boreholes and additional topographical information to support the assessment of surface water in the locality. Subsequently revised proposals and additional information have been submitted in response to objections, concerns and requests for further details from the statutory consultees, council officers and local residents. Most recently an amended and updated Surface Water Management Scheme together with a revised plan of the Proposed Working and Drainage Scheme have been submitted to be read in conjunction with the previously submitted information and plans. The statutory water management organisations have assessed the revised proposals against all this information, taking into account representations submitted by local residents. Whilst there have been concerns raised by some

local residents that all this information should have been submitted with the planning application and that its subsequent submission has delayed the determination of the application, the Committee will be aware that this often happens with complex mineral applications and that it is important that the application is not presented to the Committee for determination until all relevant and appropriate matters have been fully assessed.

- 9.58 The Environment Agency originally objected on the grounds that insufficient information had been submitted to demonstrate that the risks to groundwater and Woodlands Spring were negligible or could be satisfactorily managed. However, following the submission of the new information, the Agency has withdrawn its objection. Subject to the imposition of conditions, the Agency accepts that the revised surface water management scheme provides mitigation measures to maintain baseline hydrological conditions and which will cover the uncertainties in the conceptual hydrogeological understanding or residual risks to the groundwater during and after the proposed development. The recommended condition 20 includes measures to provide additional protection to groundwater. These include not allowing extraction lower than 1 metre above the highest recorded groundwater level in order to maintain an unsaturated zone of sandstone, remove any standing water from the site if groundwater levels exceed defined heights in Borehole 2 and the Blue Lagoon and desludging the surface water ponds to maintain capacity for surface water and attenuation of surface water run-off, baseline infiltration rates and protecting surface water and groundwater quality. Condition 19 also requires the surface water collection ponds to be developed on sandstone, lined with an impermeable liner to maintain baseline infiltration rates and spatial distribution, minimise the impact on groundwater flow paths and spring discharge rates and protect groundwater quality.
- 9.59 The Local Lead Flood Authority also originally objected to the proposal on flood risk and drainage grounds. However, following the submission of the new information and detailed discussion with the Environment Agency on any impacts that the proposed development might have on groundwater, surface water and flooding off site, the LLFA now consider that the proposed surface water scheme will not increase the risk of flooding subject to ongoing maintenance of the on-site features, ongoing monitoring and restoration, which are the subjects of recommended conditions. The LLFA has therefore withdrawn its objection subject to the imposition of conditions that complement and support the conditions recommended by the Environment Agency.
- 9.60 Specialist technical officers of the Environment Agency and the Local Lead Flood Authority have liaised to ensure that appropriate and consistent advice has been provided to the Mineral Planning Authority.
- 9.61 The Council's Public Protection Team has also withdrawn a previous objection to the proposed development. Public Protection's interest in the proposal relates to potential effects on private water supplies. The Private Water Supply (England) Regulations 2016 (as amended) apply to private water supplies used for human consumption. Water intended for human consumption means all water intended for drinking, cooking, food preparation or other domestic purposes. Other domestic purposes is defined in Section 216 of the water Resources Act 1991 and includes washing, central heating and sanitary purposes such as washing, bathing, showering, laundry and toilet flushing.

- 9.62 The County Council has a record of five private water supplies within 1 kilometre of the proposed development site. The Environment Agency has stated that springs at Lane House, Carr Edge, 130m north of Frankham Fell, Park Shield and Fourstones Paper Mill are sourced from different rock layers or strata and hence should be disconnected from the proposed workings. The Prudhamstone House borehole is sourced from the underlying Four Fathom Limestone and is also therefore geologically disconnected from the proposed development. However, the Environment Agency recommended further assessment due to its proximity to the workings if surface water mitigation is required. Whilst the development should not adversely affect these private water supplies, Public Protection have recommended the imposition of a planning condition requiring the operator to investigate any complaint relating to an adverse impact on a private water supply due to extraction activities.
- 9.63 The owners of Woodlands have expressed concerns about the potential impact of the proposed development on a spring at their property. They have pointed out that flows from the spring increased following the removal of sandstone from the former quarry in 2013 for testing purposes, resulting in flooding of their property. Public Protection point out that Woodlands spring is not used for human consumption or domestic purposes and that the use of water from the Woodlands spring in a garden for ornamental features and occasional garden watering falls outside the Private Water Supply (England) Regulations 2016 (as amended). Notwithstanding this point, the revised proposals and recommended conditions provide protection to groundwater flow paths and quality as set out in paragraphs 9.58 and 9.59 above.
- 9.64 It is concluded therefore that, subject to the imposition of conditions as recommended by the Environment Agency, Local Lead Flood Authority and Public Protection, the proposed development is acceptable in terms of its impact on ground and surface water and complies with policy NE1 in the TLDFCS, paragraph 174(e) of the NPPF and policies WAT1 and MIN 1 in the NLP.

Impact on Ground Stability

- 9.65 Policy MIN1 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 state 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, including risks arising from former mining activity (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).
- 9.66 The more extensive former Prudhamstone Quarry site has numerous spoil heaps located between the current application site and nearby residential property. The spoil heaps between the application site and these properties have broadly not been altered since prior to 1922. The vast majority are vegetated with the roots

of shrubs and trees helping to bind the spoil together and reducing the risk of erosion and surface instability.

- 9.67 The Hydrology and Hydrogeological Assessment (HHA) submitted with the application notes that there are large standoffs from the extraction area to the nearest properties and that the spoil heaps have been stable since their formation. This is with the exception of one known instance of historical instability recorded in the 1960s / 1970s. The circumstances e.g. working practices, weather events etc. pertaining to this isolated event, which occurred some 50 years ago, are not clear cut and Wardell Armstrong, who have provided advice to the Local Planning Authority on land stability matters (see paragraphs 9.69 – 9.72 below), consider it unlikely that it has any significant bearing on the proposed development, all control measures being in place. The HHA report concludes that the proposed quarrying operations would not destabilise the spoil heaps. It explains that the Health and Safety Executive would be responsible for managing quarry regulations that are aimed at protecting quarry operatives and members of the public. The operator would be responsible for preparing and keeping up to date excavation and tips appraisal and geotechnical assessment that would identify and assess all factors liable to affect the stability and safety of excavations and tips within the quarry area.
- 9.68 A number of the letters of objection from Warden Parish Council and local residents raise concern over land instability, including reference to the slippage described in the previous paragraph. They refer to the fact that some properties, including Woodlands, to the south of the former quarry are located below extensive spoil heaps and express concern that the opening up of the quarry could destabilise these heaps. They refer also to the existence of a tunnel in the area behind Woodlands that dates from the 19th century and is now covered by spoil. The concerns regarding stability are related to concerns regarding groundwater flooding that are dealt with in the previous section of this report.
- 9.69 To assist in the assessment of ground stability the County Council commissioned Wardell Armstrong to advise on the following issues:
- (a) The stability of the land between the Blue Lagoon and the originally proposed Phase 1 of the extraction area.
 - (b) The stability of land that would contain water from the proposed workings that lies between Phase 2 of the proposed extraction area and the area to the south.
 - (c) The stability of the spoil heaps above 'Woodlands' and other properties to the south of the former quarry.
- 9.70 In relation to the land between the Blue Lagoon and the previous Phase 1 of the extraction area, Wardell Armstrong found that the width of this area was less than was shown on the originally submitted plans, confirming a concern raised by a local resident. Wardell Armstrong also confirmed that it was not possible, with the information available, to determine the make-up of this width of land (intact rock or historical quarry spoil). It would be possible therefore that any working of sandstone towards the lagoon could potentially remove whatever barrier remains between these two features. Wardell Armstrong considered that the proposed works would represent a moderate risk to the stability of the land between the Blue Lagoon and the Phase 1 area. This led to the applicants deleting the majority of Phase 1 from the proposed extraction area ensuring that the barrier between the Blue Lagoon and the extraction area would remain in

situ. With the revision to the application proposals Wardell Armstrong consider that the risk category in relation to land stability to be reduced to negligible.

- 9.71 In relation to the stability of land between Phase 2 and the area to the south which included the site of the originally proposed attenuation pond, Wardell Armstrong concluded that the proposals would result in a moderate risk to the stability of the land which will contain the proposed attenuation pond. This was primarily due to uncertainty of the quarry floor material in this area. The location of the proposed settlement pond has subsequently been moved to be adjacent to the southern end of the Phase 2 extraction area, to reflect advice received from the Local Lead Flood Authority, although a second smaller attenuation pond remains close to the area of the original pond. On the basis that both ponds are shown to be located on sandstone and that they will be constructed without requirement for an earth supporting bund, Wardell Armstrong consider the risk category in relation to land stability in this area to be reduced to negligible.
- 9.72 In relation to the stability of the spoil heaps above 'Woodlands' and other properties to the south, Wardell Armstrong considered that there was negligible direct risk that the proposed workings would result in instability in this area. However, Wardell Armstrong did consider that there was an indirect risk of land instability in this area in the event of failure of the proposed works, specifically the embankment between the Blue Lagoon and the Phase 1 works as then proposed (December 2020). As previously described in this report, the removal of sandstone from the embankment in Phase 1 has been deleted from the working proposals and the Environment Agency and Local Lead Flood Authority have recommended conditions that seek to ensure that the risks to groundwater, surface water and flooding off-site are not increased as a result of the proposed development. On the basis of the above changes to the working scheme, Wardell Armstrong consider that the risk category in relation to land stability above 'Woodlands' and other properties to the south to be reduced to negligible.
- 9.73 It is relevant to note that the Committee report on the original planning application concluded that the proposed development would not result in land stability issues. This has now been confirmed by the work carried out by Wardell Armstrong. Taking into account these additional investigations carried out by Wardell Armstrong and the recommended planning conditions related to surface water and ground water management and monitoring, it is concluded that the proposed development is in accordance with the relevant provisions of the NPPF and Policy Min1 in the NLP in relation to land stability.

Restoration of the Site

- 9.74 Policies R1, EP2 and SM1 of the NMLP and 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. Policy MIN 3 in the NLP requires provision to be made for appropriate restoration and aftercare of mineral workings at the earliest opportunity.
- 9.75 The proposed restoration scheme for the site relies on natural regeneration together with applying an appropriate local seed mix to encourage plant growth if this is considered necessary. The quarry face would remain with the void being regraded and reprofiled with the spoil resulting from the extraction of the

stone to tie in with surrounding land and covered with fines from the spoil. The spoil heaps would be allowed to regenerate naturally and the compound areas and access track would be regraded, seeded and left to regenerate naturally as necessary.

- 9.76 The County Ecologist notes that areas of the quarry where the conifers are sparse or absent have a reasonably diverse ground flora including common heather, devil's-bit scabious, selfheal, mouse-ear hawkweed and common knapweed. He considers that restoration should aim to create the conditions for this grassland plant community to become established. Natural regeneration is likely to be the most satisfactory method to achieve this, with quarry fines providing a suitable substrate. This is the subject of a recommended planning condition.
- 9.77 An indicative restoration plan was not submitted with the previous application and this was one of the reasons that the application was refused. A basic but appropriate restoration plan has been submitted with the new application showing the regrading and reprofiling of the land. This plan provides the basis for the recommended planning condition relating to the restoration of the site which requires a more detailed restoration and aftercare scheme to be submitted for the approval of the Mineral Planning Authority not later than six months before commencement of restoration operations. The proposal therefore complies with Policies R1, EP2 and SM1 of the NMLP, paragraph 211e of the NPPF and Policy MIN 3 of the NLP.

Benefits of the Proposal

- 9.78 As stated in paragraph 9.4 above, the NPPF (paragraph 211) gives great weight to the benefits of mineral extraction, including the economy. Policy MIN2 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 and the contribution to maintaining supply both locally and nationally. Other benefits listed in the policy are not relevant in the case of this application.
- 9.79 It is considered that the economic and employment benefits in this case are limited. Two quarrymen would work on the site on an intermittent basis. In addition there would be some employment for transport operatives and for processing at the operator's works in Haltwhistle. The contribution that the quarry would make to maintain supply of sandstone both locally and nationally was dealt with at paragraphs 9.9 to 9.13. This contribution would involve a relatively limited amount of sandstone to be worked over a limited period. Notwithstanding the fact that the benefits are limited in this case, they need to be given great weight in the planning balance as stated in paragraph 211 of the NPPF.

Other Matters

Cumulative Impact

- 9.80 Policy EP20 of the NMLP, Policy MIN1 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.

- 9.81 There are no other mineral workings in the vicinity of the application site. The assessments of the various impacts of the proposed development and their duration demonstrates that the combination of their effects would not be sufficient to be in conflict with Policy EP20 of the NMLP, Policy MIN1 of the NLP and paragraph 205 of the NPPF.

Government Direction

- 9.82 The Mineral Planning Authority has received a direction requiring it to refer the application to the Secretary of State for Levelling Up, Housing and Communities, before granting planning permission. Therefore, should the Committee be minded to grant planning permission, the application will need to be referred to the Secretary of State. Officers have kept the Planning Casework Team informed of progress with consideration of the application.

Equality Duty

- 9.83 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

- 9.84 There have been incidents of anti-social behaviour in the woodland, including trespass, littering and jumping from the top of the rock face into the Blue Lagoon. These led to the landowner blocking the northern entry with sandstone blocks, putting up signs stating that it is private land and erecting a fence and warning signs above the Blue Lagoon. However, 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

- 9.85 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.

- 9.86 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.
- 9.87 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.

10. Conclusion

- 10.1 The application is a revised proposal for the scheme that was refused planning permission in 2019. Additional information on hydrology, restoration and surface water management has been submitted that seeks to address the reasons for refusal of the previous application, as well as updated survey information on ecology and noise.
- 10.2 The application, as amended, has been assessed against all relevant planning policy considerations, notably Development Plan policies, the NPPF and policies in the emerging Northumberland Local Plan. Comments received from consultees and in response to publicity have all been considered and taken into account. The Environment Agency, Local Lead Flood Authority and Public Protection Team objected to the previous application that was refused planning permission. Each organisation submitted holding objections to the current application with requests for further information to be submitted. Following the submission of additional information and revised proposals, each organisation has withdrawn its objections subject to the imposition of appropriate planning conditions.
- 10.3 For the reasons set out in this report it is considered that the proposal is acceptable in principle and in terms of impact on the Green Belt, landscape character, visual amenity, residential amenity, highways and public rights of way, ecology, heritage assets, surface water and ground water, private water supplies, ground stability and cumulative effects. The benefits of the scheme mainly relate to the supply of sandstone with employment and other economic benefits limited but needing to be weighed in the planning balance. The proposed restoration scheme is considered to be acceptable with more detailed restoration and aftercare proposals being the subject of a recommended planning condition. The assessment of the proposals has demonstrated that, subject to the imposition of appropriate planning conditions, there are no sustainable planning reasons for refusing the planning application.
- 10.4 It is concluded therefore that the proposal is in accordance with the Development Plan, the Northumberland Local Plan and the NPPF and that the overall

planning balance weighs in favour of granting planning permission subject to appropriate planning conditions and the satisfactory conclusion of a Section 59 agreement for the repair of any damage to the highway resulting from the quarry operation.

11. Recommendation

11.1 That this application be GRANTED planning permission subject to:

a) the Secretary of State for Levelling Up, Housing and Communities, following referral of the application, confirming that he does not wish to call in the application for determination;

b) the satisfactory conclusion of a Section 59 agreement for the repair of any damage to the highway resulting from the quarry operation; and

c) the following conditions.

General

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

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

2. 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

- (a) Prudham Quarry Proposed Working and Drainage Scheme. 11 October 2021 (PO21-3 version 4)
- (b) Prudham Quarry Existing Plan. July 2021 (SJB/P/03 Rev D)
- (c) Prudham Quarry Proposed Development. July 2021 (SJB/P/04 Rev D)
- (d) Prudham Quarry Restoration Scheme Site. Nov 2020 (SJP/P/09 Rev B)
- (e) Prudham Quarry Location Plan. November 2020. (SJB/P/02 Rev C)
- (f) Prudham Quarry Restoration Scheme Area. Nov 2020 (SJB/P/08 Rev C)
- (g) Prudham Quarry Proposed D'ment: Sections. July 2021 (SJB/P/06 Rev E)
- (h) Prudham Quarry Cross-Sections. 13 April 2021 (PQ 21-2)
- (i) Prudham Quarry Existing Landscape Plan. November 2020 (SJB/P/10 Rev A)

Documents

- (j) Surface Water Management Scheme for Prudham Quarry. R&K Wood Planning LLP. October 2021
- (k) Addendum to Hydrological and Hydrogeological Assessment. 28 July 2021
- (l) Proposed Extension to Prudham Quarry Hydrological and Hydrogeological Assessment (including Appendices A – E). DAB Geotechnics Ltd. March 2020
- (m) Prudham Quarry Preliminary Ecological Appraisal. J L Durkin. April 2019
- (n) Examination of Environmental DNA in Pond water for the Detection of Great Crested Newts. A Penny. 27 June 2016

- (o) Prudhamstone Quarry Renewal of Quarrying Works Archaeological Assessment and Impact Assessment (including Appendices 1 – 3). Alan Williams Archaeology. April 2016
- (q) Prudham Quarry Noise assessment. LA Environmental. March 2020
- (r) Characteristics of the sandstone from Prudham Quarry (DAB/DAB/16004/07)

Letters

- (s) Letter from DAB Geotechnics Ltd, 23 June 2020
- (t) Letter from DAB Geotechnics Ltd, 10 August 2020
- (u) Letter from DAB Geotechnics Ltd, 18 October 2020

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

3. The Mineral Planning Authority shall be notified in writing of the dates of the commencement of site operations, the first extraction of sandstone and the first exportation of sandstone.

Reason: In the interests of the proper working of the site in accordance with Policy SA1 of the Northumberland Minerals Local Plan.

4. The permission hereby granted is for a period expiring on 31 December 2029. The extraction and exportation of minerals from the site shall cease no later than 31 December 2028 and the site shall be restored in full accordance with the restoration plan approved under condition 2 and with the detailed programme for the restoration of the site approved by Condition 27.

Reason: In the interests of the proper working and restoration of the site in accordance with Policy SA1 of the Northumberland Minerals Local Plan

5. The operator shall ensure that a notice board is erected and maintained 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.

Reason: In the interests of the proper working of the site in accordance with Policy SA1 of the Northumberland Minerals Local Plan.

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 Policy SA1 of the Northumberland Minerals Local Plan.

7. No development shall be carried out until details of any fencing and gates and the surfacing of the internal access tracks and compound area have been submitted to and approved in writing by the Mineral Planning Authority.

Reason: In the interests of the amenity of the area in accordance with Policy EP19 of the Minerals Local Plan.

8. 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 SA1 of the Northumberland Minerals Local Plan.

- 9 The operator shall submit to the Mineral Planning Authority a formal report which shall detail all mineral working and ancillary operations:

- (a) undertaken at the site under the terms of this permission during the immediately preceding 12 months; and
(b) proposed for the following 12 months.

Each report shall indicate by reference to a plan the areas within which the following operations have taken place during the previous 12 months and are proposed during the following 12 months:

- (a) mineral extraction including the tonnage extracted and the principal markets;
(b) deposition of mineral waste arisings;
(c) surface water drainage works; and
(d) restoration works.

Reason: In the interests of the proper working of the site in accordance with Policy SA1 of the Northumberland Minerals Local Plan.

10. No mineral extraction shall be carried out and no plant shall be operated, except for the purposes of site drainage or maintenance of plant or vehicles) except between the following hours:

Monday – Friday (1 April – 30 September) 08.00 – 17.00
Monday – Friday (1 October – 31 March) 09.00 – 16.00

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

Reason: In the interests of residential amenity in accordance with Policy EP19 of the Northumberland Minerals Local Plan.

Highways

11. All loaded heavy goods vehicles leaving the site shall have their loads secured by straps or ropes such that they shall not be displaced during transit. Where small blocks (less than 1 cubic metre) are to be transported, they shall be palletised, sealed by polythene shrink-wrapping, strapped and secured by hauliers netting transit on flat bed vehicles.

Reason: In the interests of highway safety, in accordance with Policies EP18 and EP19 of the Northumberland Minerals Local Plan and the National Planning Policy Framework.

12. The total number of heavy goods vehicle movements shall not exceed 6 movements in any direction on any day and a maximum of 130 movements in any direction when measured as a maximum figure averaged over a rolling 3-calendar month period. The operator shall keep a record of all movements of heavy goods vehicles, including the time of entering or leaving the site, and shall make the record available to the Mineral Planning Authority on request.

Reason: In the interests of highway safety, in accordance with Policies EP18 and EP19 of the Northumberland Minerals Local Plan the National Planning Policy Framework.

13. There shall be no movements of heavy goods vehicles in any direction except between the hours of 09.00 and 15.00.

Reason: In the interests of highway safety, in accordance with Policies EP18 and EP19 of the Northumberland Minerals Local Plan and the National Planning Policy Framework.

Noise

14. Noise from normal mineral operations at the site shall not exceed 42 dB (A) LAeq (1 hour) free field at the boundary of any noise sensitive 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 EP19 of the Northumberland Minerals Local Plan.

15. Temporary operations such as soils stripping or placement and drilling shall only be undertaken for 8 weeks in any calendar year and shall not exceed a noise level of 55 dB (A) LAeq (1 hour) free field at the boundary of 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 EP19 of the Northumberland Minerals Local Plan.

16. Within 21 days from the receipt of a written request from the Mineral Planning Authority notifying the operator of a justified noise complaint, the operator shall employ a competent independent acoustic consultant to assess the level of noise emissions from the development at the complainant's property. The assessment shall be undertaken in accordance with the methodology agreed in writing with the Mineral Planning Authority. The operator shall submit a report based on the consultant's findings to the Mineral Planning Authority for approval in writing. Where noise levels from the development exceed the level stated in conditions 14 or 15 at the complainant's property, appropriate mitigation measures shall be agreed with the Mineral Planning Authority and implemented within a timescale approved in writing 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 EP19 of the Northumberland Minerals Local Plan.

Dust

17. Prior to the commencement of operations hereby permitted, a scheme for dust management including measures for the control and reduction of dust emissions associated with quarrying activities and a process for dealing with complaints of dust 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 before mineral extraction commences and maintained for the lifetime of the site.

Reason: In the interests of the amenity of the area in accordance with Policy EP19 of the Northumberland Minerals Local Plan.

Blasting

18. No extraction shall take place until a scheme of blasting has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter blasting shall be carried out strictly in accordance with the approved scheme for the lifetime of the development.

Reason: In the interests of the amenity of the area in accordance with Policy SA1 of the Northumberland Minerals Local Plan.

Water Management

19. No extraction shall take place until the two surface water collection ponds as shown on Drawing PQ21-3 *Proposed Working and Drainage Scheme* dated 11 October 2021, in the *Surface Water Management Scheme for Prudham Quarry* dated October 2021, are constructed on sandstone and lined with an impermeable liner.

Reason: To maintain baseline infiltration in terms of rates and spatial distribution; to minimise the impact on groundwater flow paths and spring discharge rates and to protect groundwater quality and in accordance with Policy EP21 of the Northumberland Minerals Local Plan

20. In carrying out the development the operator shall ensure that:

(a) the base of excavation does not exceed an elevation 157 AOD as detailed in paragraph 1.33 of the *Surface Water Management Scheme for Prudham Quarry*, dated October 2021;

(b) any standing water is removed from site if the groundwater levels exceed 148 AOD in borehole 2 and 156.5 AOD in the waterbody known as "The Blue Lagoon";

(c) the surface water ponds are desludged to maintain capacity for surface water and attenuation of surface water run-off, baseline infiltration rates and to protect surface water and groundwater quality;

(d) the monitoring and reporting of all water features on the site will be maintained and mitigation throughout the restoration period will be reviewed, in accordance with paragraphs 1.28, 1.29 and 1.35 of the *Surface Water Management Scheme for Prudham Quarry*, dated October 2021; and

(e) a maintenance schedule and log, which shall include records of all maintenance within the development, shall be undertaken for the lifetime of the development and be made available on request to the Mineral Planning Authority.

These mitigation measures shall be fully implemented in accordance with the timing and phasing arrangements of the development. And shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To maintain a 1 metre unsaturated zone of rock above the highest recorded groundwater level; to maintain baseline infiltration rates and special distribution; and to ensure that the mitigation measures are reviewed in the light of any changing circumstances (e.g. climate change), operate to their full potential and are maintained during the lifetime of the development and in accordance with Policy EP21 of the Northumberland Minerals Local Plan

21. A report shall be submitted to the Mineral Planning Authority on an annual basis detailing the results of groundwater monitoring and an assessment as to whether the surface water management scheme has achieved its aims and been effective. The first such report shall be submitted not later than 13 months after the commencement of extraction. The reports shall include an assessment of:

(a) fluctuations in the water level of borehole 2; and

(b) fluctuations in the two surface water collection ponds as shown on Drawing PQ21-3 *Proposed Working and Drainage Scheme* dated 11 October 2021, in the *Surface Water Management Scheme for Prudham Quarry* dated October 2021.

Reason: To ensure the risk of flooding does not increase elsewhere as a result of the development in accordance with Policy EP21 of the Northumberland Minerals Local Plan and Policy GD5 of the Tynedale Local Development Framework Core Strategy.

22. Any changes to the agreed site water monitoring and management plan as set out in the *Surface Water Management Scheme for Prudham Quarry* dated October 2021 and shown on Drawing PQ21-3 *Proposed Working and Drainage Scheme* dated 11 October 2021, shall be submitted to and approved in writing by the Mineral Planning Authority not later than one month prior to their implementation, except where unacceptably high risks to groundwater require an immediate response.

Reason: To ensure the effective disposal of surface water and that the risk of flooding off-site is not increased in accordance with Policy EP21 of the Northumberland Minerals Local Plan and Policy GD5 of the Tynedale Local Development Framework Core Strategy.

23. Within 21 days from receipt of a written request from the Mineral Planning Authority notifying the operator of a justified complaint relating to quarrying

operations affecting the quality or quantity of water from a private supply of water within 1 kilometre of the development site, the operator shall employ a competent independent hydrogeologist to assess the impact from the development on that private supply of water. The request from the Mineral Planning Authority will include details of the change in water quality or quantity that is considered to justify the complaint. The operator shall submit a report based on the consultant's findings to the Mineral Planning Authority for approval in writing. Where quarrying activities from the development are proven to be affecting the quality or quantity of water from a private water supply, quarrying operations will be suspended and appropriate mitigation measures shall be agreed with the Mineral Planning Authority and implemented in full within a timescale approved in writing by the Mineral Planning Authority, or an alternative water supply will be provided to the affected properties.

Reason: To protect private water supplies to residential properties in accordance with Policy EP21 of the Northumberland Minerals Local Plan.

Ecology

24. No tree felling or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed. Netting of hedgerows or trees is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of the netting will be agreed in writing with the Mineral Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law in accordance with Policies EP6 and EP7 of the Northumberland Minerals Local Plan.

25. Prior to the commencement of development, a method statement for the safeguarding of Schedule 1 bird species shall be submitted to and approved by the Mineral Planning Authority. The method statement shall be fully implemented as approved.

Reason: To ensure that adverse impacts on a species fully protected by law are avoided in accordance with Policies EP6 and EP7 of the Northumberland Minerals Local Plan.

Archaeology

26. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) brief (dated 4/5/2020). 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 until a written scheme of investigation based on NCCCT 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 NCCCT 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 NCCCT 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 Policy EP10 of the Northumberland Minerals Local Plan.

Restoration and Aftercare

27. Not later than 6 months prior to the commencement of restoration and notwithstanding the details set out on the restoration plan approved under condition 2, a detailed restoration and aftercare scheme shall be submitted to and approved in writing by the Mineral Planning Authority, including but not restricted to:

(a) the areas to be restored and their final restoration contours;

(b) the spreading of overburden and fines across the working area of the quarry;

(c) a monitoring scheme to assess the progress of natural regeneration and to identify any adverse indicators such as non-native invasive species;

(d) a remedial scheme to address any adverse indicators and to undertake seeding in the event that natural regeneration proves insufficient;

(e) a control programme to eliminate existing stands of non-native invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 as amended from the area of Fourstones and Park Shield Quarry Local Wildlife Site within the same ownership and the planning application site; and

(f) details of surface water management, including monitoring, maintenance and reporting, post-development.

The restoration and aftercare scheme shall be fully implemented as approved not later than 31 December 2028 or 12 months after the final exportation of sandstone from the site, whichever is sooner.

Reason: To ensure that the restoration of the site is appropriate, conserves and enhances important habitats in accordance with Policies EP6 and EP7 of the Northumberland Minerals Local Plan and ensures the long-term surface water regime does not increase the risk of flooding on-site or off-site in accordance with Policy EP21 of the Northumberland Minerals Local Plan and Policy GD5 of the Tynedale Local Development Framework Core Strategy.

Informatives

1. A highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at Highwaysplanning@northumberland.gov.uk.
2. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
3. If the operator intends to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose, an abstraction licence will be needed from the Environment Agency.
4. 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.
5. 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.
6. A private water supply, as referred to in condition 22, is defined under Regulation 3 of The Private Water Supply (England) Regulations 2016 (as amended) as a supply intended for human consumption.
7. Public Footpath No. 6 passes the proposed site and should be protected throughout the period of working. No action should be taken to disturb the path surface without prior consent from the Highway Authority, obstruct the 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.

Date of Report: 16 February 2022

Background Papers: Planning application file(s) 20/01107/CCM (current application) and 16/01458/CCM (previous application)