

**COUNTY DURHAM MINERAL LOCAL PLAN**  
**LIST OF SAVED POLICES**

Following application by the County Council for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in March 2007 the Secretary of State for Communities and Local Government has directed that the following policies of the County Durham Minerals Local Plan are to be saved until they are replaced by the emerging policies in the Council's Minerals Core Strategy DPD and Mineral Site Allocations DPD. Policies which are not listed below will expire on 27 September 2007.

Please note the Secretary of States for Communities and Local Government's letter of 31 August 2007 and its accompanying Direction and Schedule is available on request.

**M1 Maintenance of Landbanks**

For the County as a whole the following landbanks of permitted reserves are proposed and will be maintained throughout the Plan period:

Mineral	Landbank (years)
Sand and gravel	at least 7 years
Crushed rock aggregate	at least 10 years
Dimension stone	at least 10 years
Cement making raw materials	at least 15 years
Brick making material	at least 15 years
Burnt dolomite for use in the chemical and refractory industries	at least 15 years

**M3 Extensions to Minerals Working**

Extension to mineral workings will be allowed under the allocations made in policies M10, M11, M55 and M56, and under the criteria set out in policies M6, M12, M22 and M23. Additionally, extensions to existing mineral workings, other than for opencast coal or fireclay, will be permitted provided that they:

- a) will not lead to any material requirement for increased plant capacity or road traffic; and
- b) do not provide for a significant level of reserves beyond the end of the Plan period; and
- c) do not have a material impact upon the landscape, ecology and other features of nature conservation importance; and
- d) will have no other significant additional adverse impacts; and
- e) would ensure the rectification of any identified deficiencies in existing workings or planning permissions in accordance with Policy M53; and
- f) will not, when viewed against projected needs over the Plan period, add significantly to the total landbank of approved reserves within the County; and
- g) do not involve any further mineral extraction on the Magnesian Limestone Escarpment.

**M4 Waste and recycled materials**

The use of recycled and waste materials will be encouraged and supported by:-

- a) preferring their use for road construction, maintenance and other works projects, where this is technically and economically feasible; and,
- b) permitting the extraction of material from a mineral waste deposit where this can be achieved consistent with environmental protection objectives.

**M5 Construction / demolition waste recycling facilities**

Proposals to develop recycling facilities for construction and demolition wastes will be permitted at active quarries and landfill sites for a temporary period not exceeding the permitted life of the quarry or landfill site provided that:

- a) any existing adverse impacts on the environment or local community are not significantly increased;
- b) the operation or restoration of the site is not prejudiced or significantly delayed.

*Continued 1/10*

### **M6 Areas of search for sand and gravel**

Other than allowed for under Policies M12, M22 and M23, sand and gravel extraction will be permitted only within the areas of search identified on the proposals map and where one or more of the following applies:

- a) it is required to meet an established need which cannot be met from existing permissions or by the use of suitable secondary or recycled materials;
- b) the mineral extraction is in advance of other development which is either subject to a planning permission or allocated in an adopted development plan (in accordance with Policy M15);
- c) the proposal is acceptable as a borrow pit (in accordance with Policy M13);
- d) a significant part of the site is derelict or contaminated and in need of treatment and the proposal provides for its comprehensive reclamation;
- e) where it leads to overall environmental improvement through the updating of existing planning permissions to an appropriate standard (in accordance with Policy M53);
- f) it is an extension to an existing mineral working (in accordance with Policy M3).

### **M7 Opencast coal and fireclay**

Within the exposed coalfield area there will be a presumption against proposals for the opencast mining of coal and/or fireclay unless:

- a) they are environmentally acceptable, or can be made so by planning conditions or obligations; or
- b) they provide local or community benefits which clearly outweigh the adverse impacts of the proposal. In assessing such benefits particular regard will be had to:
  - i) the contribution of the proposal towards the comprehensive reclamation of areas of derelict or contaminated land;
  - ii) the avoidance of sterilisation of mineral resources in advance of development which is either subject to a planning permission or allocated in an adopted development plan (in accordance with Policy M15);
  - iii) their contribution (or otherwise) to the maintenance of high and stable levels of economic growth and employment;
  - iv) the need for supplies of fireclay to serve local brickworks.

All proposals should avoid the unnecessary sterilisation of other minerals, particularly fireclays and brickclays.

### **M8 Piecemeal working**

The piecemeal working of opencast coal deposits will not be allowed.

### **M9 Drift mines**

Drift mining will be permitted where proposals conform with other relevant policies of this Plan.

### **M10 Preferred areas**

Preferred areas for the working of the following minerals are defined on the proposals map : dolomite; limestone for cement manufacture; brickclay; and barytes.

Proposals for working within a preferred area will be permitted subject to being consistent with the resource management and environmental protection policies of the Plan.

### **M11 Todhills brickworks**

An area of search south of Todhills Brickworks is defined on the proposals map Inset 8 for brick making materials. Proposals for working within the area of search will be permitted but will be subject to the imposition of conditions as appropriate, and which amongst others will include specifically for:-

- a) the long-term economic future of Todhills Brickworks;
- b) the extent, date of commencement, and duration of workings;
- c) such advance and preparatory works as are deemed necessary to safeguard the landscape, environmental, and residential amenities of the area; and
- d) an agreed scheme of working.

## **M12 Proposals outside identified areas**

Outside areas of search, preferred areas and designated landscape areas identified in Policies M6, M10, M11, M22, M23, M55 and M56 of the Plan, proposals for mineral extraction, excluding opencast coal working, will only be permitted where one or more of the following applies:

- a) it is required to meet an established need which cannot be met:
  - i) from existing permissions; or
  - ii) from within an area of search of preferred area; or
  - iii) by the use of suitable secondary or recycled materials;
- b) the mineral extraction is in advance of other development which is either subject to a planning permission or allocated in an adopted development plan (in accordance with Policy M15);
- c) the proposal is acceptable as a borrow pit (in accordance with Policy M13);
- d) a significant part of the site is derelict or contaminated and in need of treatment and the proposal provides for its comprehensive reclamation;
- e) where it leads to an overall improvement through the relinquishing or consolidation of other planning permissions (in accordance with Policy M53);
- f) it is an extension to an existing mineral working (in accordance with Policy M3).

## **M13 Borrow pits**

Applications for the development of borrow pits will only be permitted where all the following criteria are met:

- a) the applicant can demonstrate that the supply of the mineral from existing sources would be seriously detrimental to the amenity of the area because of the scale, location or timing of the necessary operations;
- b) the need cannot be met by the use of suitable secondary or recycled materials;
- c) material taken from the borrow pit can be transported to the point of utilisation without the use of the public highway system;
- d) the site can be restored to a satisfactory end use and landscape condition without the use of imported material, other than that generated on the adjoining construction scheme and which can be brought to the site without the use of the public highway system;
- e) appropriate measures are in place to ensure that:
  - i) the site is used solely in connection with the adjoining construction scheme;
  - ii) the satisfactory restoration and after-care of the site takes place in accordance with an agreed scheme. The provision of appropriate mutual funds, or exceptionally financial bonds or other means may be sought to guarantee that any breach of planning conditions with regard to the restoration and after-care of the site can be remedied without additional public cost;
- f) the proposal conforms with other relevant policies of this plan.

## **M14 Preventing sterilisation**

Development will only be permitted within or adjoining a Mineral Consultation Area as shown on the proposals map where:

- a) it would not sterilise significant quantities of potential mineral resources; or
- b) it represents infill development within an established built up area; or
- c) it is otherwise acceptable and:
  - i) no other suitable locations are available; and
  - ii) development would not lead to the sterilisation of reserves of high quality or scarce minerals (in accordance with Policy M18).

## **M15 Extraction in advance of other development**

The extraction of minerals in advance of other development with planning permission or which is on land allocated in an adopted development plan will be permitted provided that:

- a) the extraction does not prejudice or unduly impede the development; and
- b) any additional impact on local amenity is acceptable (in accordance with policies M36-M37).

**M16 Mineral exploration**

Where appropriate, approval will be given for exploration to identify mineral deposits, without prejudice to the consideration of subsequent planning applications for mineral extraction, provided that the exploration conforms with other relevant policies of this Plan.

**M17 Exploration outside site boundaries**

In considering proposals for mineral extraction, where:

- a) sufficient information on the extent of workable deposits is not otherwise available; and
- b) land outside the proposed boundary is physically capable of being worked as part of the application site;

The Mineral Planning Authority may require an applicant to indicate through supporting information their understanding of the location of mineral reserves in surrounding land in order to justify the proposed extent of mineral extraction. Such information may take the form of data from mineral exploration, old mining records and other relevant sources of geological information.

**M18 Conservation of high grade mineral resources**

The extraction of high grade minerals, including dolomite, will be permitted only for the purposes for which their specific qualities are essential. Control will be exercised through use of conditions, planning obligations or other legal agreements as necessary and appropriate.

The area of high grade dolomite east of Thrislington Quarry will be protected from all mineral working unless:

- a) there is a need for high grade minerals for use in the refractory or steel industry which cannot be met through the use of:
  - i) lower grade material; or
  - ii) high grade material from existing planning permissions; or
  - iii) land allocated under Policies M55 and M56; and
- b) the proposal is consistent with the resource management and environmental protection policies of the Plan.

**M19 Concurrent working of minerals**

Where mineral extraction is acceptable in principle the concurrent working of two or more minerals from the same site will be encouraged and will be permitted provided that:

- a) the overall proposal remains acceptable in terms of its impacts on the environment or the local community and its duration; and
- b) it does not significantly delay site restoration.

**M22 Areas of outstanding natural beauty**

Other than as allowed for in Policy M10, mineral extraction in or adjacent to the North Pennines AONB will not be permitted except in exceptional circumstances and where one or more of the following applies:

- a) there is an overriding national need for the mineral which cannot be met from alternative sites or sources elsewhere, including suitable secondary or recycled materials, and which is sufficient to outweigh the need to conserve the character of the area;
- b) the mineral extraction is in advance of other approved development or which is on land allocated in an adopted development plan (in accordance with Policy M15);
- c) the proposal is acceptable as a borrow pit (in accordance with Policy M13);
- d) part of the site consists of derelict or contaminated land in need of treatment and the proposal provides for its comprehensive reclamation;
- e) where it leads to an overall improvement through the relinquishing or consolidation of other planning permissions (in accordance with Policy M53);
- f) it is an extension to an existing mineral working (in accordance with Policy M3).

In all cases proposals will be required to conform with other relevant policies of this Plan.

### **M23 Areas of High Landscape Value**

In Areas of High Landscape Value and Historic Parks and Gardens, proposals for mineral working will be given the most careful consideration. Proposals will only be allowed where the environmental impact on the special character and quality of the landscape is acceptable, or can be made so by planning conditions or obligations and, in the case of non-energy minerals, where one or more of the following additionally applies:

- a) there is a need for the mineral which cannot be met from alternative sites or sources elsewhere, including suitable secondary or recycled materials;
- b) the mineral extraction is in advance of other approved development or which is on land allocated in an adopted development plan (in accordance with Policy M15);
- c) the proposal is acceptable as a borrow pit (in accordance with Policy M13);
- d) part of the site consists of derelict or contaminated land in need of treatment and the proposal provides for its comprehensive reclamation;
- e) where it leads to an overall improvement through the relinquishing or consolidation of other planning permissions (in accordance with Policy M53);
- f) it is an extension to an existing mineral working (in accordance with Policy M3)

In all cases proposals will be required to conform with other relevant policies of this Plan.

### **M24 Local landscapes**

Minerals development will be required to:

- a) ensure that the scale of any adverse effects on local landscape character is kept to an acceptable minimum; and
- b) conserve, as far as possible, important features of the local landscape.

Restoration proposals should have regard to the quality of the local landscape and seek to provide landscape improvements where appropriate.

### **M27 Locally important nature conservation sites**

Minerals development affecting regional or locally identified sites of nature conservation interest, including LNRs, RIGs, SNCIs and Ancient Semi Natural Woodlands, which may have an adverse effect will not be permitted unless the Mineral Planning Authority is satisfied that the developer has demonstrated there are reasons for the proposal which clearly outweigh the need to safeguard the intrinsic qualities of the site.

### **M28 Wildlife corridors**

Minerals development should seek to preserve the nature conservation value of defined wildlife corridors by maintaining their integrity and continuity. Where possible, minerals development should contribute to their nature conservation interest through appropriate restoration and management.

### **M29 Conservation of nature conservation value**

All proposals for mineral development should incorporate appropriate measures to ensure that any adverse impact on the nature conservation interest of the area is minimised. In considering proposals for mineral working regard will be had to:

- a) opportunities for the creation of new areas of nature conservation interest;
- b) the need to conserve local features of nature conservation value.

### **M30 Listed buildings / Conservation Areas**

Planning permission for mineral development will not be permitted where this would have an unacceptable adverse effect on listed buildings, conservation areas, or their settings.

Where, in exceptional circumstances, working in the vicinity of listed buildings and conservation areas is justified permission will only be granted where the working and restoration of the site ensures:

- a) the retention of important built and landscape features; and
- b) final restoration is to at least the original landscape quality, with replacement of any landscape features that it is not possible to retain during working.

### **M31 Archaeological field evaluations**

Where there is reason to believe that important archaeological remains may exist within or in the vicinity of the site of a proposed mineral development, developers will be required to provide an archaeological field evaluation prior to the determination of the planning application.

### **M32 Archaeological remains**

Where nationally important archaeological remains, whether scheduled or not, and their settings are affected by a proposed mineral development there will be a presumption in favour of their preservation in situ.

Proposals for mineral development that would have a significant adverse effect on regionally important remains will only be permitted where:-

- a) no other suitable locations are available; or
- b) where there is an overriding need for mineral which outweighs the requirement for physical preservation.

### **M33 Recording of archaeological remains**

Where the preservation of archaeological remains in situ is not appropriate planning permission will not be granted unless satisfactory provision has been made for the excavation and recording of the remains.

### **M34 Agricultural land**

Mineral development which affects or is likely to lead to the loss of 20 or more hectares of the best and most versatile agricultural land will not be permitted unless:

- a) there will be no overall loss of agricultural land quality following restoration; or
- b) there is a need for the mineral which cannot be met from suitable alternative sources on lower quality agricultural land.

### **M35 Recreational areas and public rights of way**

Mineral development that would have an unacceptable impact upon the recreational value of the countryside, and in particular facilities such as paths, other public rights of way, the local path network, country parks and picnic areas, will not be permitted unless there is a need for the mineral which cannot be met from suitable alternative sites or sources.

Adequate arrangements will be required for the continued use of public rights of way both during and after mineral development, either by means of existing or diverted routes.

### **M36 Protecting local amenity**

Proposals for mineral working should incorporate suitable mitigation measures to ensure that any potentially harmful impacts from the following sources are reduced to an acceptable level:

- a) pollution by noise, vibration, dust and mud;
- b) visual intrusion;
- c) traffic and transport; and
- d) subsidence, landslip and gaseous emissions.

### **M37 Stand off distances**

Unless it is demonstrated that the amenity of local communities can otherwise be protected from the adverse impacts of mineral working, mineral development will not be permitted where:

- a) extraction or associated activities are within 250 metres of a group of 10 or more dwellings; or
- b) in the case of hard rock workings, operations involve blasting taking place within 500 metres of a group of 10 or more dwellings.

Exceptions to this policy will be considered where mineral extraction will achieve particular benefits through the reclamation of derelict or contaminated land, or avoiding sterilisation in advance of other development, and where these benefits clearly outweigh the disturbance caused to nearby communities.

**M38 Water resources**

If a proposal for mineral development would affect the supply of, or cause contamination to, underground, surface or coastal water, it will not be permitted unless measures are carried out as part of the development which would mitigate those impacts throughout the working life of the site and following final restoration.

**M39 Protection of rail routes**

Planning permission will not be granted for any development which would prejudice the use of the following rail connections for mineral traffic:

- a) Bishop Auckland - Eastgate Cement works;
- b) Ferryhill - Cornforth - Raisby quarry;
- c) Thrislington quarry.

**M40 Scope for rail use in planning applications**

In determining a planning application for mineral development conditions may be imposed or planning obligations or legal agreements sought with the developer and rail operator, to ensure that, where rail use is feasible, the movement by rail of mineral, or mineral products, is maximised.

**M41 Mineral disposal points**

The establishment of disposal points for the transfer of minerals from road to rail transport will be permitted provided that the development would have an acceptable impact in relation to traffic, amenity and other environmental effects.

**M42 Road traffic**

Minerals development will only be permitted where:

- a) traffic generated by the development can be accommodated safely on the highway network; and,
- b) the strategic highway network can be safely and conveniently accessed, and the amenity of roadside communities is protected; and,
- c) the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

**M43 Minimising traffic impacts**

In granting planning permission for mineral development, planning conditions will be imposed, and planning obligations or other legal agreements sought, to cover the following matters, insofar as they fairly and reasonably relate to the proposed development:

- a) the routeing of traffic to and from the site;
- b) highway improvements or maintenance;
- c) the prevention of the transfer of mud and dirt onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles;
- d) access to and from the site and the provision of on-site turning, parking, loading and unloading areas;
- e) the means of transporting material within the site, or between different parts of the same working area;
- f) the operating hours of lorry traffic to and from the site.

**M45 Cumulative impact**

In considering proposals for mineral development the cumulative impact of the following will be taken into account:-

- a) existing mineral working in the area;
- b) mineral development with planning permission, including proposals not yet started, or where extraction is in abeyance;
- c) past mineral working in the area;
- d) current planning applications for mineral development in the area;
- e) other non-mineral activities in the area.

Permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this plan.

**M46 Restoration conditions**

Planning applications for mineral development should include proposals for the satisfactory restoration of the site. Conditions will be imposed, and planning obligations or other legal agreements sought, to cover the following matters as necessary:

- a) the submission of further detailed restoration proposals at specified stages in the development;
- b) the phased extraction and restoration of mineral operations in order to ensure that the period over which land is out of beneficial use is kept to a minimum;
- c) the stripping, storage, replacement and management of topsoil, subsoil and soil making material in good condition for ultimate restoration;
- d) the installation of drainage systems;
- e) the contouring and grading of restored land;
- f) a programme of after-care following the completion of restoration including, where appropriate, provision for long term management;
- g) the removal of buildings, plant, structures, machinery and hardstanding used in connection with the mineral working operations after the completion of mineral extraction;
- h) any other matters necessary to ensure the satisfactory restoration of the site.

**M47 After uses**

All proposals for the after-use of mineral sites shall have particular regard to the following:

- a) the impact on the amenity of local communities and opportunities for their enhancement;
- b) the impact on landscape character and opportunities for improvements to the landscape;
- c) impacts on the cultural and built environment;
- d) the quality of agricultural land;
- e) opportunities for the provision of recreational facilities or public open space;
- f) opportunities for the enhancement and creation of features of nature conservation importance;
- g) opportunities for the creation of community woodlands;
- h) opportunities for the creation of new rights of way.



### **M50 On site processing**

Where planning permission is required, minerals processing and manufacturing plant, and other developments ancillary to mineral extraction, will be permitted within the boundaries of mineral extraction sites provided that:

- a) in the case of processing plant, it is required to process minerals extracted from the mineral working site; or
- b) in the case of manufacturing plant, the greater part of the minerals to be used to manufacture the product will be extracted from the mineral working site and the manufacturing activity will remain ancillary to the primary use of the site for mineral extraction; or
- c) in the case of other ancillary development, it is required solely in connection with the administration or servicing of the site.

In granting planning permission for plant and machinery, conditions will be imposed, and planning obligations or other legal agreements sought, to cover the following matters as necessary:

- i) minimisation of environmental impact;
- ii) ensuring the removal of plant, structure or buildings as soon as extraction of minerals from the site has ceased;
- iii) preventing the import of material from elsewhere, other than material necessary for the operation of the plant but which is not capable of extraction from the site.

### **M51 Storage**

In granting planning permission for mineral stocking areas conditions will be imposed and planning obligations or other legal agreements sought, to cover the following matters as necessary:

- a) minimisation of environmental impact;
- b) time limits on the storage of materials after working has ceased;
- c) preventing the import of materials from elsewhere.

### **M52 Site management**

In considering planning applications for mineral development the ability and commitment of the intended operator to operate and reclaim the site in accordance with an agreed scheme will be taken into account. Proposals will only be permitted where either:

- a) the operator is capable of, and committed to, the working and full restoration of the site in accordance with the requirements of any planning permissions; or
- b) adequate safeguards are in place, through the provisions of financial bonds, appropriate mutual funds operated through the industry, or other means, to ensure that any breach of planning conditions, particularly with regard to the restoration and after-care of the site, can be remedied without additional public cost.

### **M54 Magnesian limestone escarpment**

Within the Magnesian Limestone Escarpment Area defined on the proposals map, no new or extended magnesian limestone workings other than those allocated in this Plan will be permitted, and the progressive restoration of existing workings will be sought.

### **M55 Southern extension to Thrislington Quarry**

An extension to the permitted working area at Thrislington quarry, west of the A1(M) and south of the existing quarry as shown on proposals map inset 10 will be permitted provided that:

- a) no further working will have taken place and no further working will take place at Rough Furze Quarry and the Interim Development Order permission is relinquished; and
- b) the production of high grade dolomite products and maximum utilisation of the mineral for high grade purposes is maintained; and
- c) advance landscape and perimeter screening works are carried out; and
- d) all lorry traffic can access the strategic highway network in accordance with an agreed scheme; and
- e) a satisfactory programme for restoration is agreed.

**M56 Eastern extension to Thrislington Quarry**

An extension to Thrislington quarry, east of the A1(M) and west of the A177 as shown on proposals map inset 10, will be permitted provided that:

- a) the production of high grade dolomite products remains the primary purpose of mineral extraction and maximum utilisation of the high grade dolomite for high grade purposes is maintained; and
- b) no working, other than advance preparatory works, takes place within the preferred extension area until:
  - i) supplies of high grade material from within the existing permission area, and the southern extension area as outlined in Policy M55, are substantially exhausted; and
  - ii) advance landscape and perimeter screening works have been implemented; and
  - iii) disposal points, including rail links where appropriate, are agreed; and
  - iv) all lorry traffic can access the strategic highway network in accordance with an agreed scheme; and
  - v) a programme of progressive restoration for the area to include open recreation, nature conservation and agricultural after uses is agreed.

*[End 10/10].*