

# Schedule of remaining 'saved' County Durham Minerals Local Plan Policies

The majority of the policies of the 'saved' County Durham Minerals Local Plan policies have now been replaced by the policies of the County Durham Plan which was adopted by the council in October 2020.

Fifteen Minerals Local Plan policies remain 'saved' and still form part of the development plan for County Durham.

These remaining saved Minerals Local Plan policies are set out in Appendix B of the County Durham Plan and are set out in this schedule of remaining of saved County Durham Mineral Local Plan Policies.

The remaining saved policies will remain part of the development plan for County Durham until they are replaced by the provisions of the Minerals and Waste Policies and Allocations document which is now being prepared by the council.

## Policy 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.

#### Policy 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.

#### Policy 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

#### Policy 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.

#### Policy 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.

#### Policy 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.

#### Policy 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.

#### Policy 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

#### Policy 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 routing 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

#### Policy 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.

#### Policy 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.

#### Policy 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.

#### Policy 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.

#### Policy 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.

#### Policy 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.