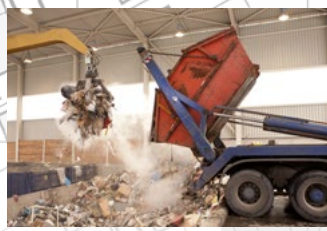
County Durham Minerals and Waste Policies and Allocations Document

Adopted July 2024



Durham County Council

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Chapter 1 - The Minerals and Waste Policies and Allocations Document

Introduction

1.1 This document is the County Durham Minerals and Waste Policies and Allocations document (M&WDPD). It has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004. Consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 was held during 2021 and consultation under Regulation 19 in late 2022 and early 2023. A Local Plan examination in September 2023 and the M&WDPD was subsequently adopted by the Council in July 2024.

What is the role of the County Durham Minerals and Waste Policies and Allocations document?

1.2 As an adopted Development Plan Document (DPD), the M&WDPD forms part of the statutory development plan[1] for County Durham along with the County Durham Plan and any 'made' (adopted) Neighbourhood Plans. Together with the provisions of the County Durham Plan it provides the statutory decision-making framework for the determination of all planning applications for minerals and waste development in County Durham. In order to align with the Plan period of the County Durham Plan the Plan Period of the M&WDPD will be to the end of 2035. It has replaced all remaining saved policies of the County Durham Minerals Local Plan (CDMLP) which was adopted in December 2000 and the County Durham Waste Local Plan (CDWLP) which was adopted in April 2005. The saved policies which have been replaced are listed in Appendix A of this document.

What is the relationship between the County Durham Plan and the Minerals and Waste Policies and Allocations document?

1.3 The County Durham Plan was adopted in October 2020 and sets out the Council's overarching strategy for the development and use of land in County Durham to 2035. It also sets out the spatial vision and strategic objectives for the future development of the county, including for minerals and waste related development. In total the County Durham Plan contains sixty-one policies and a number of site allocations.

1.4 Based on the information which was available when it was prepared the County Durham Plan identified, where possible, the scale of future minerals extraction and new waste management capacity that was required, and which was needed within the County over the period to 2035. It also set out where and when new provision will be necessary. It sought to provide clear guidance to enable site specific allocations and planning applications to be determined in both locational and criteria-based terms and it allocated three strategic sites for new minerals and waste development.

1.5 The preparation of the M&WDPD is a commitment that the Council made during the preparation of the County Durham Plan. In terms of its specific role the

[1] Information on the statutory development plan for County Durham can be accessed on the Council's website: Development Plan for County Durham - Durham County Council

M&WDPD is not intended to be a standalone Minerals and Waste Local Plan. It is intended to complement the policies of the County Durham Plan and has not replaced any policy within the County Durham Plan. Given its role in complementing the County Durham Plan, the plan period of the M&WDPD aligns with that of the County Durham Plan to 2035.

1.6 The County Durham Plan contains a number of strategic minerals and waste policies, many of which depending on the specific type of mineral working or waste development that is proposed, will continue to apply to all future planning applications for minerals and waste development and where applicable these policies will need to be read alongside the policies and provisions of the M&WDPD. Similarly, the County Durham Plan also contains a number of other environmental policies which will also be applicable to determining future minerals and waste planning applications. For example, the County Durham Plan contains policies regarding the North Pennines Area of Outstanding Natural Beauty, landscape, biodiversity, and geodiversity including internationally designated sites, protected species and nationally and locally protected sites, trees, hedges and woodlands and cultural heritage including the County's historic environment. Where necessary in relation to these environmental policy related matters the M&WPD adds value and provides clarity to the policy framework which will be used to determine minerals and waste planning applications.

1.7 The M&WDPD identifies and sets out six non-strategic minerals and waste objectives which are intended to provide the broad direction for the M&WDPD policies and which the policies of the minerals and waste collectively seek to deliver. These non-strategic objectives sit within the overarching vision and the strategic objectives provided by the County Durham Plan. In total the M&WDPD sets out twenty-four minerals and waste related policies including four which relate to new allocations for minerals working and waste development. These complement those in the County Durham Plan and will collectively seek to provide a direction and certainty as to how anticipated future needs for mineral working and waste management, specifically waste disposal requirements, can be met. In addition, a monitoring framework is also set out to show how each policy will be implemented and monitored to ensure their effectiveness. All strategic matters relating to both minerals and waste will be subject to monitoring. The outcome of this monitoring will be considered as part of a future review of the County Durham Plan.

Developing the Minerals and Waste Policies and Allocations Document

1.8 The policies and allocations in the M&WDPD have been prepared with regard to the National Planning Policy Framework (NPPF), National Planning Policy for Waste (NPPW), the Planning Practice Guidance (PPG) and other relevant Government policies and legislation.

1.9 Initial work on the M&WDPD commenced prior to the adoption of the County Durham Plan. To demonstrate its intent, in June 2018 the Council published the Minerals and Waste Policies and Allocations Document Scoping Report which provided an outline of the policies that the Council anticipated would be included at that time and a Sustainability Appraisal Scoping Report for the M&WDPD.

1.10 The M&WDPD has been prepared in accordance with the timetable for its preparation as set out in the Council's latest Local Development Scheme (2022).

1.11 The first formal stage of consultation under Regulation 18 was undertaken between Friday 15th January 2021 and Friday 26th February 2021 when the Council consulted for six weeks on its Regulation 18 Statement - Notice of Intention to Prepare a Local Plan Development Plan Document. A call for new minerals and waste sites was also undertaken at this time.

1.12 The second formal stage of consultation under Regulation 18 was undertaken between 24 September 2021 and 5 November 2021 on the Draft M&WDPD. The third formal stage of consultation under Regulation 19 was undertaken between 28th November 2022 and 13th January 2023 on the Publication Draft M&WDPD. At both the Draft Plan and Publication Draft stages of consultation a number of supporting documents were also published including a document which assessed the potential minerals and waste allocations submitted in response to the call for sites 2021 and accompanying Sustainability Appraisal and Habitats Regulation Assessment Screening Report.

Cross Boundary Working and the Duty to Cooperate

1.13 One of the changes brought about by the Localism Act 2011 was the introduction of the Duty to Co-operate with neighbouring authorities and key stakeholders when preparing plans. County Durham borders a number of County, District and Unitary Council's and a National Park Authority.

1.14 All strategic matters relating to both minerals and waste were addressed during the preparation of the County Durham Plan and at that time Statements of Common Ground (SOCG), documenting the cross-boundary matters being addressed and progress in cooperating to address these matters, were produced. As part of preparing the M&WDPD the Council sought to refresh existing SOCG with all adjoining Councils, a number of which were updated with authorities who did not respond directly during the M&WDPDs preparation.

1.15 The Council consulted all adjoining Council's on the M&WDPD at the initial regulation 18 stage in January 2021, on the draft M&WDPD in September 2021 and on the Publication Draft M&WDPD during November 2022 to January 2023. No cross-boundary issues have been raised by any authority consulted.

1.16 Through general cross boundary working, the Council discusses matters of mutual concern with all adjoining minerals and waste planning authorities. This includes through the established North East Minerals and Waste Planning Officers Group (NEMWPOG) which all North East and adjoining local authorities are invited to attend. Normally this group meets twice a year. However, due to the Covid19 pandemic this group has met less regularly than intended. It met prior to the Covid 19 Pandemic in March 2020 and then in October 2021 and then in October 2022.

Evidence Base

1.17 The evidence base which was available to support the preparation of the M&WDPD was largely the evidence which was prepared to support the County Durham Plan. However, where necessary additional work has been undertaken. The Council therefore considered that the M&WDPD was supported by an up-to-date relevant and proportionate evidence base which informed the planning policies and site allocations proposed within it. The evidence base is available to view on the Council's website and includes a number of key documents which are referred to below.

1.18 The Council's key waste evidence is set out in the 'Addendum to 2012 Study Waste Arisings and Waste Management Capacity Model' (June 2018) and this provides the basis for the waste capacity gap within the County Durham Plan. A separate Waste Technical Paper was also prepared during 2021 and 2022 and was then finalised following publication of Environment Agency data at the end of 2022.

1.19 The Council's key minerals evidence is set out in two documents, the Minerals Technical Paper (January 2019) which provides an overview of the geology of County Durham and mineral resources and mineral working in County Durham and the Council's Local Aggregate Assessment which is updated on an annual basis.

1.20 Working in partnership with other Council's in Northumberland and Tyne & Wear the Council published the latest iteration of the Joint Local Aggregate Assessment[2] (Joint LAA) in April 2022. The latest Joint LAA is based on both 2020 and 2019 permitted reserves and sales data and provides an updated assessment of aggregate working in County Durham. This assessment supersedes previous versions and sets out forecast residual need (having taken into account County Durham Plan allocations for further mineral working) which needs to be met by additional permitted reserves including of both sand and gravel and crushed rock (carboniferous limestone). In addition, it also sets out the Council's expectations as to how existing sites can contribute to the steady and adequate supply of both sand and gravel and crushed rock. Further information is provided in Chapter 9.

Supporting Documents

1.21 The preparation of development plan documents such as the M&WDPD requires the preparation of a number of other supporting technical documents and assessments. Consultation on the M&WDPD at its Publication Draft stage was directly supported by:

- County Durham M&WDPD Updated Assessment of potential Minerals and Waste sites in County Durham – prepared in response to a call for sites 2021 (November 2022) – This document has updated the Council's original appraisal of the new minerals and waste sites which were proposed by the minerals and waste industry as potential allocations following the call for sites which was undertaken by the Council between January and February 2021.

[2] Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (2020 and 2019 Sales and Reserves Data), April 2022.

- County Durham M&WDPD Heritage Impact Assessment (November 2022) – This document complements and has informed the County Durham M&WDPD Updated Assessment of potential Minerals and Waste sites in County Durham (November 2022) and undertakes a detailed assessment in relation to both designated and non-designated heritage assets.
- County Durham M&WDPD Statement of Consultation Regulation 18 Draft Plan (November 2022) - This document reports upon the consultation and engagement methods undertaken at this stage of the M&WDPDs preparation and sets out the comments which were submitted in relation to the Draft Plan, the Sustainability Appraisal and Habitats Regulation Assessment Screening Report and the Council's response.

Assessments Undertaken

1.22 During its preparation the M&WDPD has been subject to several assessments including a Sustainability Appraisal, Habitats Regulation Assessment, and an Equality Impact Assessment. A rural proofing and a Health Impact Assessment were also undertaken during the preparation of the County Durham Plan.

- **Sustainability Appraisal** (SA) is a statutory process integrated into the preparation of all aspects of DPDs. The process assesses the potential impacts of policies and allocations and their reasonable alternatives against a range of economic, social, and environmental considerations and includes the requirements of Strategic Environmental Assessment legislation. The SA advises on ways in which any adverse effects can be avoided, reduced, or mitigated or how any positive effects can be maximised. This helps to shape the DPD and ensure that it is promoting sustainable development. The SA of the M&WDPD has also considered and assessed any reasonable alternatives to the policies and allocations included within it as part of the ongoing development of this Plan. The Sustainability Appraisal (SA) predicted positive cumulative effects against all social and economic objectives and most environmental objectives. It also predicts that the M&WDPD will have positive, overriding cumulative effects on climate change despite negative effects being predicted against a small number of policies. In this regard, collective measures are considered to outweigh negative effects.
- **Habitat Regulations Assessment** (HRA) is integral to the development of land use plans such as the M&WDPD as it provides a statutory process to assess the potential impact on Natura 2000 sites. Natura 2000 sites are of exceptional importance in respect of rare, endangered, or vulnerable natural habitats and species within Europe. These include Special Protection Areas (SPAs) designated under the EU 'Wild Birds' Directive, Special Areas of Conservation (SACs) designated under the EU 'Habitats Directive', and European Marine Sites (EMS). As the Habitats Directive applies the precautionary principle, plans can only be adopted if no adverse impact on the integrity of site(s) in question is proven. To ascertain this, a Screening Assessment, followed by an Appropriate Assessment, where necessary, must be undertaken. The overall conclusion of the HRA Screening Report was that the proposed sites included within the M&WDPD do not have any alone (or in-combination) likely significant effects on the following sites:

    - Northumbria Coast SPA/Ramsar
    - Durham Coast SAC
    - Thrislington SAC
    - Moor House-Upper Teesdale SAC
    - North Pennine Dales Meadows SAC
    - North Pennine Moors SAC
- Undertaking an **Equality Impact Assessment** (EQIA) allows us to assess any risk of discrimination before introducing new policies. Sometimes certain groups, such as Gypsies and Travellers or older people, will be treated differently to ensure that they are not unfairly impacted. An EQIA Screening Assessment has been undertaken during the preparation of the M&WDPD and concluded that there is no evidence of an actual or negative impact on protected characteristics.

Policies Map

1.23 The County Durham Plan Policies Map shows the spatial extent of policies within the County Durham Plan. Following adoption, the County Durham Plan Policies Map has been updated to reflect the allocations within the M&WDPD. A number of inset maps have been prepared for each of the allocations which are set out within the M&WDPD.

Other Documents

1.24 Several other documents were also relevant to the preparation of the M&WDPD:

- **Statement of Community Involvement** (SCI) – This document sets out the Council's approach for involving local communities and other stakeholders in the planning process including the preparation of the statutory development plan including the County Durham Plan and the M&WDPD and Supplementary Planning Documents. In addition, it sets out the Council's approach for involving local communities in the determination of planning applications.
- **Annual Monitoring Report** (AMR) – Every year the Council prepares a monitoring report on its plan making activities. Amongst other matters the AMR monitors minerals and waste matters.

Chapter 2 - Overview of Minerals and Waste in County Durham

2.1 County Durham has a rich history of mining and mineral extraction and possesses a range of mineral resources, some of which are of regional and national importance. These mineral resources are distributed throughout the County with parts of the County having some potential for the extraction of a wide variety of valuable mineral resources.

2.2 The minerals worked from County Durham's many quarries contribute to the local economy including through employment and as essential raw materials. Without many of the minerals worked today from County Durham's quarries including crushed rock (magnesian limestone, carboniferous limestone, and dolerite), sand and gravel (basal Permian sand, fluvial and glacial sand), natural building and roofing stone and brick making raw materials, the building and construction industry would not be able to build and maintain the roads, homes, shops, offices, factories, hospitals, schools, flood, and coastal defences that society requires.

2.3 Limestone from County Durham's quarries is also used in large quantities in agriculture to improve the productivity of soil. County Durham also contains important reserves and resources of industrial limestone which is a nationally scarce mineral resource and has in the past been an essential requirement for a range of industrial operations including steel production and glass manufacture.

2.4 Coal has also been extensively mined from within County Durham including for use in electricity generation. While national requirements for coal have significantly declined there has been interest in recent years for further extraction for other purposes.

2.5 A wide range of other minerals have also been worked within County Durham in the recent past including a range of vein minerals such as barytes and fluorspar and silica sand, suitable for industrial purposes.

2.6 Whether commercially exploitable reserves of oil and gas exist in County Durham is unknown and whether some of these resources will be called upon to serve a future role is not known at present. It is also understood that the hot saline groundwater within the Weardale Granite which underlies parts of West Durham contains Lithium which can be used as a component of batteries used in electric vehicles. Exploration is currently ongoing to determine whether the Lithium resource is present in economically recoverable concentrations.

2.7 Further information on the geology of County Durham and its mineral resources are set out in the Council's Minerals Technical Paper (2019) and the Council's Local Aggregate Assessment.

2.8 County Durham is the largest producer of aggregates in the North East of England and has supply relationships with surrounding areas. Crushed rock and sand and gravel working is the biggest extractive industry in the County today. In 2021 the last year for which information is currently available, approximately 3,220,000 tonnes of crushed rock and 553,000 tonnes of sand and gravel were won from County Durham's hard rock and sand and gravel quarries. Other minerals won

in 2021 included sufficient brick making raw materials to supply two of the regions three remaining brick works and, quantities of building stone. No coal was won, as all former surface coal mining sites in County Durham are now in aftercare.

2.9 County Durham contains a network of waste management facilities including facilities such as household waste recycling facilities, materials recycling facilities, waste transfer stations, end of life vehicle facilities and a number of large landfill sites. Together these facilities manage a range of inert, non-hazardous, and small quantities of hazardous waste generated from both within and outside County Durham.

2.10 In 2021, the last year for which information is currently available, County Durham's existing waste management facilities received approximately 2 million tonnes of waste. Lying close to both Tyne and Wear and the Tees Valley, County Durham's waste management sites form part of a well-connected waste market with large volumes of waste crossing local authority boundaries. For many years waste disposal by landfill has been by far the dominant form of waste management in County Durham. While reliance on landfill for the disposal of non-hazardous waste has been significantly reduced over the last twenty years, significant volumes of inert waste, a proportion of which is from adjoining areas, which cannot be otherwise recycled does still need to be disposed of to landfill.

Chapter 3 - Vision, and Objectives

3.1 An overarching vision for County Durham was provided within the adopted County Durham Plan. As the M&WDPD is a subsidiary document to the County Durham Plan it is neither appropriate nor necessary for it to have a separate vision. The vision of the County Durham Plan is set out below.

County Durham Plan - Spatial Vision

By 2035 County Durham will have a thriving economy, reducing levels of deprivation, social exclusion and joblessness with the associated health and quality of life improvements. It will also be bridging the gap between its economic performance and that of other parts of the North East and the rest of England. It will be a top location for business and tourism, capitalising on its strategic location on the A1(M), A19, A66, East Coast Mainline, its east/west links and its close proximity to Durham Tees Valley and Newcastle International Airports.

The county will comprise of sustainable, balanced, and regenerated communities, with key development being located to achieve sustainable patterns of development, ensure the effective use of land, and reduce our contribution to climate change and support the vitality and vibrancy of existing centres. All communities and businesses will benefit from an accessible, integrated, and sustainable transport system, resulting in increased public transport use and safe, well used, and attractive cycling and walking routes.

The county will have an accessible, well-designed range and choice of good quality housing, including affordable housing, services and community, leisure, and recreational facilities, complementing and contributing to the area's thriving economy and meeting the needs of all existing and future residents. At the heart of communities will be accessible green infrastructure, not only improving the quality of place but people's quality of life and reducing health inequalities.

The county's rural areas will be continuing to play a vital role in the county's economy, employment, and tourism, including through diversification and embracing the opportunities provided by improved broadband connectivity.

The county will continue to be renowned for its culture and diverse and high-quality built, historic, and natural environment. This will be enjoyed, protected, and enhanced by ensuring new development adheres to high standards of design and sustainability principles. This will ensure that our environmental resources are secured in the long-term, providing for sustained economic growth, a better sense of place and strong communities. Our environment, communities, businesses, and transport infrastructure will be capable of adaptation and be resilient in the face of climate extremes supporting opportunities to establish a low carbon economy.

County Durham will continue to play its role and remain an important source of minerals. Its quarries will continue to produce the steady and adequate

supply of minerals, as required. New or extended mineral workings will be guided to environmentally acceptable locations and carried out to the highest environmental standards. County Durham's waste will be viewed as a valuable resource and waste recycling will be an integrated part of daily lives. All our planning functions will aim to drive waste up the waste hierarchy and use resources efficiently. New waste facilities will be built in the right place and at the right time, protecting human health and the environment from waste development.

3.2 Objectives for the Supply of Minerals and Waste Management in County Durham were also provided within the County Durham Plan, similarly, these are not being amended by the M&WDPD. Objectives 20 and 21 specifically related to minerals and waste and are set out below. The County Durham Plan also contained nineteen other objectives many of which are also relevant to minerals and waste.

County Durham Plan Strategic Objectives related to Minerals and Waste

Objective 20 Supply of Minerals - Meet society's needs and ensure a steady and adequate supply of both energy and non-energy minerals, in accordance with the principles of sustainable development; while also protecting the environment, amenity and health of local communities; ensuring the early and high-quality restoration and aftercare of mineral sites; and the safeguarding economically important mineral resources, mineral sites and minerals related infrastructure from incompatible development.

Objective 21: Waste Management - Support the development of a network of modern waste management facilities which help ensure that society's waste arisings are managed in accordance with the principles of the waste hierarchy; which facilitate re-use, recycling, composting and recovery of value from waste and enabling the disposal of waste as the last resort; while also protecting the environment, the amenity and health of local communities; and existing and proposed facilities from incompatible development.

3.3 In addition to the objectives in the County Durham Plan it is considered necessary for the M&WDPD to contain a number of non-strategic objectives that specifically relate to minerals and waste development which collectively the M&WDPDs individual policies will seek to deliver.

M&WDPD Non-Strategic Objectives

NSO1: Protecting the environment and amenity and health of local communities - To ensure that County Durham's minerals and waste sites operate to high environmental standards by avoiding, reducing, or mitigating as far as possible adverse impacts, while also protecting the environment, the amenity and health of local communities.

NSO2: Minimising adverse impacts and ensuring the Sustainable Transport of Minerals and Waste - To encourage and facilitate the sustainable transport of

minerals and waste and seek to minimise the adverse impact of the traffic and transportation implications of minerals and waste development.

NSO3: To provide for other Minerals of Local and National Importance - To ensure that a policy framework is in place to enable the consideration of planning applications for the working of minerals resources of local and national importance which are not currently worked in County Durham today but whose working cannot be discounted in the future including providing certainty to the approach that will be taken to peat reflecting the provisions of the NPPF.

NSO4: To ensure the 'Other Recovery' and disposal of Inert and Non-Hazardous Waste - To ensure that a policy framework is in place to enable the consideration of planning applications for the 'other recovery' and disposal of inert and non-hazardous waste.

NSO5: High Quality Restoration of Minerals and Waste Sites - Ensuring that County Durham's minerals sites and temporary waste management sites are restored at the earliest opportunity and in ways that, wherever possible, enhances the environment and amenity of local communities, achieves high quality restoration and aftercare, contributes to climate change adaptation and mitigation, and maximises benefits.

NSO6: Meeting our future needs - Ensuring that the steady and adequate supply of minerals can be maintained and that the future capacity for the disposal of waste is provided for in line with the requirements of the Council's current Local Aggregate Assessment and current identified waste capacity gap.

Chapter 4 - Minerals and Waste Development Management Policies

Introduction

4.1 The planning system established under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that planning applications must be determined in accordance with the statutory development plan unless other material considerations indicate otherwise. This requirement is reaffirmed in paragraph 2 of the revised NPPF.

4.2 In terms of its specific role**,** the M&WDPD is not intended to be a standalone Minerals and Waste Local Plan. It is intended to complement the policies of the County Durham Plan and will not replace any policy within the County Durham Plan. However, once adopted specific policies within the M&WDPD will replace the remaining saved policies of the County Durham Minerals Local Plan and County Durham Waste Local Plan.

4.3 The County Durham Plan contains a number of strategic minerals and waste policies which, will continue to apply to relevant future planning applications for minerals and waste development. These policies will need to be read alongside the policies and provisions of the M&WDPD. The County Durham Plan also contains a number of other environmental policies which will also be applicable to determining future minerals and waste planning applications. For example, the County Durham Plan contains policies regarding the North Pennines Area of Outstanding Natural Beauty, landscape, biodiversity, and geodiversity including internationally designated sites, protected species and nationally and locally protected sites, trees, hedges and woodlands and cultural heritage including the County's historic environment. Where necessary the M&WPD adds minerals and waste specific value and provides clarity on the policy framework which will be used to determine minerals and waste planning applications.

4.4 Mineral and waste developments within the county requiring planning permission must therefore be determined in accordance with the policies contained within the County Durham Plan and the M&WDPD unless material considerations, which will include national planning policy, indicate otherwise. Following adoption of the M&WDPD, the statutory development plan comprises of the County Durham Plan, the M&WDPD and made Neighbourhood Plans. While generally not relevant to minerals and waste development regard must be had to any designations and allocations in Neighbourhood Plans. The provisions of the statutory development plan should therefore be read as a whole.

4.5 The NPPF makes it clear that the purpose of the planning system and local plans is to contribute to the achievement of sustainable development. The M&WDPD in association with the County Durham Plan, when read as a whole, seeks to deliver sustainable development as a means of growing the county's economy, supporting the wellbeing of communities across the county, and protecting and enhancing the environment.

Planning application process - Preparing applications for Minerals and Waste Development

4.6 We encourage all potential applicants to discuss their proposals with us before submitting their planning application through the Council's Pre-application Advice Service especially for large-scale minerals and waste development and applications in environmentally sensitive locations. Details of the pre-application service are available to view on the Council's website[3].

4.7 A central part of the decision-making process is the consideration of potential impacts arising from minerals and waste development. Accordingly, applicants should complete necessary impact assessments, provide an analysis of their findings, and then report upon potential means of avoiding impacts or deliverable mitigation measures. All relevant information should be provided alongside the submission of a planning application.

Pre-application community engagement on minerals and waste planning applications

4.8 Some minerals and waste developments have the potential to give rise to significant effects on a local area/or may be of interest or concern to the local community in the area that that they are proposed.

4.9 We encourage applicants for minerals and waste development to discuss with the Council whether pre-application community engagement during the preparation of their planning application and ahead of the submission of a planning application is necessary. Upon request we will discuss the need and scope of any required community engagement exercise with the prospective developer. This will ensure that the views of all stakeholders, including statutory organisations, Town and Parish Council's, neighbourhood forums, Area Action Partnerships, residents' associations, and other local interested parties are sought at an early stage to ensure their views are known.

4.10 This approach is supported by the Council's SCI which offers specific advice on how to undertake pre-application engagement. It is considered good practice that when pre-application engagement has been undertaken an applicant will submit a consultation statement with the planning application setting out what community engagement has been undertaken and the issues raised.

Local Liaison Groups

4.11 Within County Durham there are several Local Liaison Groups which facilitate the exchange of views and information about specific mineral sites between representatives of the minerals operator, the Council, and where appropriate other organisations such as the Environment Agency and Town and Parish Councils and interested residents. While their principal role is to allow the exchange of information regarding the development, it is recognised that discussions sometimes may highlight areas where action could be taken by the Council or by the operator with

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their agreement. However, Local Liaison Groups are not decision-making forums, this is the role of the Council's Planning Committee, although officers have delegated authority for certain decisions. Where appropriate and deemed necessary the Council will encourage the establishment of additional local liaison groups.

4.12 Where established, it is intended that the operator will convene the Local Liaison Group at least once every year or at such other frequency agreed by the Liaison Group Committee. The operator will also provide all practical administrative and secretarial facilities to enable the Liaison Committee to function effectively including the provision of a suitable local venue for every meeting and the production of publicly available minutes for every meeting.

Policy MW1 - General criteria for considering Minerals and Waste Development

Proposals for minerals and waste development will be permitted where it can be demonstrated that the proposal will not result in individual or cumulative unacceptable adverse impacts on:

1. **Human Health and the Amenity of local communities as a result of visual impact, light pollution, air pollution and dust, noise, vibration, odour, vermin and birds and litter. Where appropriate, separation distances will be required between proposals for minerals extraction and occupied residential properties when shown to be necessary by a technical assessment;**
2. **The environment of County Durham including:**
    a. **Protected landscapes, landscape character and quality;**
    b. **Biodiversity and geodiversity including nationally and locally protected sites, protected and priority species and habitats, and trees, woodlands, and hedges. Proposals should minimise impacts on and provide for a minimum 10% net gain for biodiversity;**
    c. **The historic environment;**
    d. **Surface water[4], groundwater and flood risk. Proposals must ensure the protection of water bodies throughout exploration, the working life of the site and following final restoration. Where necessary, detailed hydrological and hydrogeological risk assessments will be required in accordance with the Council's planning application validation checklist;**
    e. **The best and most versatile agricultural land and soil resources;**
3. **The local and strategic road network and the Public Rights of Way (PROW) and multi-user path network. Where unacceptable adverse impacts on the PROW and multi user path network and on their users are unavoidable, adequate proposals to mitigate these impacts to an acceptable level must be provided through either temporary or permanent diversions. These must provide at least an equivalent level of utility to users of the network. Stopping up of PROWs and multi user paths should be avoided unless it can be demonstrated that there are no alternatives;**
4. **County Durham's ability to meet the challenge of climate change and transition to a low carbon future. Proposals for minerals and waste must demonstrate how they will minimise greenhouse gas emissions and how**

[4] Including all water bodies for example rivers, canals, lakes, estuaries, and coastal waters.

they have incorporated measures to adapt, mitigate, reduce vulnerability, and increase resilience to the future impacts of climate change;

5. **Land stability and instability from both the operation and the restoration of minerals and waste disposal sites; and**
6. **Aviation safety through the creation of new bird strike hazards.**

4.13 All minerals and waste related development proposals will be assessed against Policy MW1. It is acknowledged that not all elements will be relevant for every development, however, applicants must consider the relevance of all criteria to their proposal as they may be asked to justify why they consider a specific element is not relevant.

4.14 The nature and scale of the proposed minerals and waste development, their distance to sensitive land uses and receptors and their relationship to their surroundings will influence the nature and likelihood of adverse impacts. To be acceptable proposals must always seek to avoid unacceptable adverse impacts and must ensure that any unavoidable adverse impacts are controlled and mitigated to an acceptable level. In order to understand impacts, technical assessments should be undertaken where necessary. The type of technical assessments undertaken will depend upon the nature and scale of the proposed minerals and waste development and in some cases these assessments will form part of an Environmental Impact Assessment. Where significant impacts are expected, a Health Impact Assessment, proportionate to the scale of development proposed, should also be undertaken either as part of an Environmental Impact Assessment or as standalone document. The nature and detail of this will be determined at the pre-application stage in consultation with the Council's Public Health Team.

Human Health and the Amenity of local communities

4.15 Minerals and waste development can be a concern for local communities as a result of the potential disturbance or adverse effects that proposals can potentially have on human health and on the amenity of local communities, including both their living and working environments. Consideration of adverse impacts should be considered in conjunction with relevant County Durham Plan policies including Policy 31 (Amenity and Pollution) and M&WDPD Policy MW4 (Noise), MW5 (Air Quality and Dust) and M6 (Blasting).

The main sources of potential disturbance can include:

- Visual impacts - Visual impacts associated with minerals and waste development can have a major impact on the amenity of local communities. Impacts can include working faces and open voids at quarries created through mineral extraction, the creation of new landforms through landfill and landraise operations, the stockpiling of soils and processed material, the removal of vegetation, the placement of processing plant and from the construction of buildings and chimneys stacks. The degree of visual impact will depend on the scale and nature of the proposed minerals and waste development, its location and the site's proximity to residential and other sensitive receptors. It may be possible to minimise and mitigate adverse effects by measures such as the direction and phasing of the development including the use of topography,

bunding and/or planting to screen views. Any screening measures should be appropriate to the site. New plant and buildings should be located in the least visually sensitive location possible and constructed using appropriate colours and materials. Where visual impacts are likely an assessment will be required assess the significance and effects of changes to views as a result of the proposed development. In accordance with the Council's planning validation requirements such an assessment can be undertaken through a Landscape and Visual Impact Assessment or a Visual Impact Assessment.

- Light pollution - If not properly controlled, the use of artificial lighting during periods of darkness can result in light pollution beyond site boundaries. This can be a source of annoyance to people and can affect the amenity of local communities, it can also undermine the enjoyment of the countryside or the night sky (especially in areas with intrinsically dark landscapes) and adversely affect the natural environment including wildlife in the surrounding area. Site lighting should be designed and located to ensure minimum light spillage beyond the site boundary. Particular attention should be paid to areas where dark skies are valued and may also be sensitive to light pollution such as those locations which are in close proximity to residential areas, within the open countryside and near to and within designated landscapes such as the North Pennines Area of Outstanding Natural Beauty, within the setting of heritage assets or where they may result in an adverse impact on wildlife. In accordance with the Council's planning validation requirements a lighting assessment will be required for developments which would involve the provision of significant external lighting which may have an adverse impact on amenity, the character of the open countryside or a heritage asset. Proposals should demonstrate how light pollution will be avoided or managed to an acceptable level.
- Air pollution - If not properly controlled, increases in air pollutants can have harmful effects on human health and the environment. Impacts from minerals and waste development are most likely to arise as a result of emissions from plant and processing equipment or from the impact of associated transport movements. Some minerals and waste developments can also be a source of dust which can affect air quality and can cause nuisance to people and businesses and cause harm through deposition. In accordance with the Council's planning validation requirements where necessary an air quality and or dust assessment will be required for all applications. Policy MW5 (Air Quality and Dust) has been prepared to address both air quality and dust.
- Noise - If not properly controlled, noise from minerals and waste development can be a major source of disturbance and can adversely impact on quality of life, affect health and wellbeing[5]. Noise can also impact on the tranquillity of the open countryside and can disturb wildlife in the surrounding area. Policy MW4 (Noise) has been prepared to address noise from both minerals and waste development. In accordance with the Council's planning validation requirements proposals that raise issues of potential noise disturbance or for new noise sensitive development in existing noisy areas will require a noise assessment.
- Vibration - If not properly controlled, blasting at quarries can cause both ground vibration and air over pressure. It has the potential to impact on the amenity of local communities by having an adverse impact on people within buildings and can also cause damage to buildings and structures. Vibration from blasting can

[5] Noise policy statement for England, Defra, 2010.

also disturb wildlife in the surrounding area. Policy M6 (Blasting) has been prepared to address vibration from blasting.

- Odour - Some waste development sites have the potential to produce odours which can present a nuisance and impact on the amenity of local communities. This is normally as a result of the decomposition of non-inert waste, bio-aerosols from composting site and landfill gas from non-hazardous landfill sites which can cause offensive smells. Mineral development sites are unlikely to be a source of odour. However, there is some potential for odours to arise from on-site water bodies, such as settlement and silt lagoons, or areas of water that are poorly designed or managed.
- Vermin and Birds - Some waste development sites, particularly those associated with non-hazardous waste are potential attractors of vermin which can present a nuisance and impact on the amenity of local communities, a health risk and can also pose a threat to wildlife.
- Litter - Some waste development sites can be a source of litter which can arise where loose, uncompacted waste becomes windblown during transport, transfer, storage, or disposal. Measures to combat litter can include use of covering material at landfill sites, use of perimeter catch fencing, and sheeting of vehicles during transport and containers during storage, and in extreme circumstances the temporarily closing down of facilities.

4.16 In order to minimise unacceptable adverse impacts on the amenity of local communities, separation distances between proposed mineral extraction activities and occupied residential properties (falling in Use Class C of the Town and Country Planning (Use Classes) Order 1987 (as amended)) may be required. In line with the 'Minerals' PPG[6] separation distances will be required where they are shown as necessary in a technical assessment taking into account, amongst other things, visual impacts, light pollution, air pollution and dust relating to proposed mineral extraction activities. Separation distances should be determined on a site-specific basis and should be effective, properly justified, and reasonable. When determining appropriate separation distances account should be taken of the nature of the activity, location and topography, the characteristics of the various environmental effects likely to arise and the various mitigation measures that can be applied. In the case of minerals extraction consideration will also be given to the need to avoid undue sterilisation of mineral resources in decision making.

Environment of County Durham

4.17 County Durham is a predominantly rural County with many areas which are recognised for their high environmental quality. Depending on the nature of the proposed minerals and waste development there are a wide range of issues which should be considered.

Protected landscapes and landscape character and quality

4.18 County Durham contains large areas of nationally and locally valued landscapes including parts of the North Pennines Area of Outstanding Natural

[6] Planning Practice Guidance (Minerals) Paragraph: 018 Reference ID: 27-018-20140306 Revision date: 06 03 2014.

Beauty, the County Durham Heritage Coast and Areas of Higher Landscape Value. Consideration of adverse impacts should be in conjunction with relevant County Durham Plan policies, Policy 37 (Durham Heritage Coast), Policy 38 (North Pennines Area of Outstanding Natural Beauty) and Policy 39 (Landscape).

4.19 It will be essential that proposals are effectively and appropriately integrated with their surroundings and the character of the local and wider landscape during both the operational and restoration phases of development. For example, proposals should seek to protect and avoid damage to mature landscapes and topographic features and retain them where possible. Proposals should also seek to avoid creating visually prominent extraction areas and orientate working faces to minimise their visibility, having regard to effect on local skylines. Screening, noise attenuation and storage mounds should have naturalistic profiles and blend with the surrounding topography. Operational plant should also be located to minimise its visibility and whenever possible, the area disturbed should be minimised at any one time through phased working and restoration. In accordance with the Council's planning validation requirements where landscape impacts are likely a Landscape and Visual Impact Assessment will be required.

Biodiversity and geodiversity

4.20 County Durham contains extensive areas which are protected because of their importance to biodiversity[7] and geodiversity[8]. Consideration of adverse impacts should be in in conjunction with County Durham Plan Policy 40 (Trees, Woodlands, and Hedges), Policy 41 (Biodiversity and Geodiversity), Policy 42 (Internationally Designated Sites) and Policy 43 (Protected Species and Nationally and Locally Protected Sites). Where relevant consideration should be given to the Council's Biodiversity Supplementary Planning Document (once prepared).

4.21 Applicants will be required to demonstrate that the proposal is acceptable in relation to both biodiversity and geodiversity and including but not restricted to the County's network of internationally, nationally, and locally designated sites, priority habitats and protected and priority species, commensurate with their statutory status or identified quality and the protection afforded by the County Durham Plan. Proposals should seek to minimise impacts on biodiversity and also where possible protect, enhance, and manage them throughout the operation of sites. Proposals should avoid adverse impacts (direct or indirect) on protected species and avoid secondary or indirect impacts on species and habitats of nature conservation value in neighbouring areas.

4.22 Due to the scale and nature of some minerals and waste developments, it is recognised that there a significant opportunity to add real value to the County's biodiversity through the restoration of sites. The restoration of sites can help deliver net gains to biodiversity which contribute towards establishing coherent and resilient ecological networks through the creation of semi-natural habitats and the delivery of

[7] Biodiversity: The whole variety of life encompassing all genetics, species, and ecosystem variations, including plants and animals.

[8] Geodiversity is the range of rocks, minerals, fossils, soils, and landforms.

the County Durham Local Nature Recovery Strategy (once prepared). Applicants will be required to demonstrate that their proposal will deliver a minimum 10% net gain for biodiversity in line with the requirements of the Environment Act 2021. In accordance with the Council's planning validation requirements a number of specialist ecological reports will be required as part of a Biodiversity and Geology Survey and Report[9]. Policy MW20 (Mineral Site Restoration, Landfill and Landraise) has been prepared to address the restoration and after use of mineral, landfill and landraise sites.

The Historic Environment

4.23 County Durham has a rich and highly varied historic environment of designated and non-designated heritage assets ranging from buildings, structures, and sites such as parks and gardens of local historic interest to that of the highest significance, the World Heritage Site, that is internationally recognised for its outstanding universal values. Great weight must be given to the conservation of all such designated and non-designated heritage assets including any contribution made by their setting. Consideration of development impacts must be assessed against County Durham Plan Policy 44 (Historic Environment), and Policy 45 (Durham Castle and Cathedral World Heritage Site), Policy 46 (Stockton and Darlington Railway) and Historic England's good practice advice including that on the Setting of Heritage Assets[10] and Mineral Extraction and Archaeology Advice Note 13[11].

4.24 Applicants will be required to demonstrate that the proposal is acceptable in relation to impacts on the County's historic environment in terms sustaining, and/enhancing their significance, and setting commensurate with their heritage status and the protection afforded to them by relevant development plan and the requirements of the NPPF. Whilst temporary in nature the location, nature and scale of minerals development and some forms of waste development have the potential to cause harm to the significance and setting of both designated and non-designated heritage assets and can be destructive to archaeological remains. Quarries for example can remove almost all the deposits of archaeological interest and can also impact on surrounding archaeology, beyond the site itself, through dewatering and changes in water flow patterns. Landraise sites can also conceal deposits of archaeological interest. Whenever possible proposals should seek to preserve features of archaeological value or historical interest in situ where possible and protect them from site operations. Where preservation of archaeological features by record rather than in situ has been agreed, recording must be carried out to a high standard and the results published.

4.25 It is also recognised that the restoration and aftercare of mineral sites and some forms of waste development can assist in the conservation and enhancement

[9] Biodiversity and Geology Survey and Report: A - Protected Species Survey and Report; B – Preliminary Ecological Assessment (PEA) & any further Specialist Ecological Surveys; C – Biodiversity Net Gain and Biodiversity Management and Monitoring Plan.
[10] https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/
[11] https://historicengland.org.uk/images-books/publications/mineral-extraction-and-archaeology-advice-note-13

of the significance of heritage assets including through the creation of sympathetic landforms which enhance landscape character and the setting of both designated and non-designated heritage assets. Proposals can also provide an important opportunity to deliver new knowledge about our historic environment, in particular wide-scale information (landscape archaeology) and evidence about the distant past. In accordance with the Council's planning validation requirements a heritage statement will be required for all proposals whose scale or nature could impact on heritage assets.

Surface Water, Groundwater, and Flood Risk

4.26 Water is an essential resource for domestic, agricultural, and industrial use and is also vital to the ecological well-being of the County's natural environment. The quality of water resources is of great importance, and surface water and groundwaters in aquifers need protection from pollution.

4.27 Minerals and waste developments have the potential to pollute surface and groundwater resources if operations are not effectively controlled and monitored. Assessment of risks including cumulative risk to groundwater for sensitive areas, such as the Principal Aquifer which underlies much of East Durham is particularly important. Consideration of adverse impacts should be in conjunction with County Durham Plan Policy 35 (Water Management) and Policy 36 (Water Infrastructure) and Policy W19 (Water Resources -Landfill, Landraise and Inert Waste Other Recovery).

4.28 Mineral extraction by its very nature will result in the removal of limestones and sands which form part of aquifers. It can require significant water resources in relation to operations such as mineral processing and dust suppression and will need to demonstrate that these supplies can be secured. Should boreholes be used to abstract water for onsite activities, boreholes must be constructed to prevent uncontrolled discharge of groundwater to the surface, and to prevent uncontrolled discharge of water or contamination into or between individual aquifers or different geological formations. Mineral extraction can also lead to changes to groundwater levels and mine water levels in the surrounding area, which is a concern due to rising mine water levels in parts of the County. This is important as existing groundwater levels support important habitats and species and for water abstraction for public and private water supply and for agricultural abstractors. Surface run off from sites can include high concentrations of silt and mud which can cause pollution. Settling ponds are often used to help filter out mud and silt however these can bring extra considerations around aviation safety and the potential for bird strikes.

4.29 Waste development can create new point sources of pollution through the storage, treatment, and processing of potentially polluting waste materials. In particular, problems can arise from surface run-off, leachate from waste disposal and composting sites, other polluting substances may leak from storage and processing areas and the discharge of waste water. Materials or waste may be hazardous or contain hazardous substances. This can in turn affect water quality, nature conservation interests and/or human health.

4.30 The North East has a long history of mining with both shallow and deep mine workings across the County. Recent changes to the pumping of mine workings have led to changes in groundwater levels and the Coal Authority in partnership with the Environment Agency has developed a groundwater screening tool which seeks to raise awareness of a variety of mining and groundwater constraints which could affect development. This screening tool has been introduced to provide developers and competent authorities with a better understanding of the drainage implications they will need to consider within new development proposals, and if necessary, to seek pre-consultation advice with the Coal Authority and/or the Environment Agency. The mapping and guidance document can be found on the Coal Authority web page[12].

4.31 Proposals for minerals and waste development should demonstrate their acceptability in relation to both surface and ground water resources, including aquifers, and include measures to prevent contamination and water pollution and derogation[13] of water dependent features[14]. In accordance with the Council's planning validation requirements where appropriate, hydrological, and hydrogeological risk assessments will be required in support of planning applications. The level of risk assessment required should be proportional to the level of risk posed. Some low-risk operations may not require a full assessment, but some consideration of the risks posed should still be undertaken for each application.

4.32 Proposals should also demonstrate that they will not be at an unacceptable risk from all sources of flooding or increase the risk of flooding elsewhere including causing unacceptable changes to flood flows or storage capacity. Where necessary, consideration should also be given to the use of sustainable drainage systems for the management of surface water drainage. Some forms of mineral extraction are recognised to be water compatible including sand and gravel working adjacent to rivers and, as recognised by Policy M3 (Benefits of Mineral Extraction) can potentially help reduce flood risk by improving the management of floodwater through the creation of flood water storage areas where sand and gravel has been extracted in the floodplain next to rivers. This is supported through Policy M3 (Benefits of Mineral Extraction) and Policy MW20 (Mineral Site Restoration Landfill and Landraise). Where appropriate a flood risk assessment will be required, and the Council will apply the sequential test and exceptions test for flood risk as set out in the NPPF. In accordance with the Council's planning validation requirements a flood risk assessment will be required.

Best and most versatile Agricultural Land and Soil Resources

4.33 Given that minerals can only be worked where the mineral resource naturally occurs and the location of proposals for most waste disposal and waste recovery operations is within the open countryside, such proposals can have the potential to

[12] http://mapapps2.bgs.ac.uk/coalauthority/home.html
[13] Derogation is a technical and legal term and means impact to or impact of any water dependent features. Impact could be to the quality or quantity (volume) of water.
[14] Water dependent features could include rivers, springs, wells, wetlands as well as existing abstractors (water users/takers) who take from boreholes, wells, and springs.

adversely impact on areas of best and most versatile agricultural land and soil resources. Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources) of the County Durham Plan provides the overarching policy for considering proposals for minerals and waste development which could affect Best and Most Versatile (BMV) agricultural land and soil resources.

4.34 In accordance with the Council's planning validation requirements proposals for minerals development and waste development which have the potential to involve the loss of best and most versatile agricultural land will be expected to be accompanied by an agricultural land classification statement. Proposals which have the potential to impact on soil resources must also demonstrate that soil resources are conserved and managed and should be accompanied by a soil resource management strategy. Applicants should have regard to established best practice guidance in preparing their planning applications. Additional guidance relating to soils and minerals and waste sites is set out in Chapter 8 of the M&WDPD.

The Local and Strategic Road Network and the Public Rights of Way and Multi User Path Network

4.35 One of the main sources of disturbance from minerals and waste development to local communities is the impact of heavy lorry traffic on local roads which can cause damage to roads and verges, cause noise and disturbance and threaten road safety. Policy MW7 (Traffic and Transport) has been prepared to address the traffic and transportation impacts of minerals and waste development and is supported by Policy M8 (Mineral Rail Handling Facilities). Amongst its provisions Policy MW7 (Traffic and Transport) requires applicants to consider and seek to maximise the use of sustainable forms of transport where practical and economic and requires safe and suitable access for all employees and visitors which optimises where practicable the use of public transport, walking and cycling. County Durham Plan Policy 26 (Green Infrastructure) also addresses the County's PROW Network. Applicants should demonstrate the acceptability of the proposed development in relationship to traffic and transportation as well as any impacts on the public rights of way and multi-user path[15] network.

4.36 Due to the nature and location of mineral working and some types of waste development which can be located within the open countryside, such proposals have a potential to adversely impact on the (PROW) and multi user path network which will also impact on recreational amenity. Where proposals will adversely affect existing PROW and multi user paths, adequate arrangements will be required for the continued use of PROW and Multi user paths both during and after the proposed development, either by means of existing or diverted routes which are safe and convenient and where possible propose opportunities to enhance the existing network. Stopping up of PROWs and multi user paths should be avoided, unless it can be demonstrated that there are no alternatives.

[15] Multi user paths are non-statutory multi-user routes which are not formal PROW they include sections of SUSTRANS Routes and the Councils network of Railway Paths.

Climate Change

4.37 International, national, and local policy is clear, man-made climate change must be addressed to avoid the significant adverse impacts that would otherwise occur through a warming world. Measures to tackle climate change nationally have been introduced through the Climate Change Act (2008). The United Kingdom is currently on a pathway to net zero carbon emissions by 2050 and the UK's sixth Carbon Budget[16] seeks to reduce emissions by 78% by 2035. At a local scale, the Council has declared a Climate Change Emergency. Local targets require County Durham to be a carbon neutral county by 2045. The second Climate Emergency Response Plan (CERP)[17] was adopted in June 2022 and focuses on a range of themes including but not limited to:

- Heat Decarbonisation of existing buildings;
- New Development - that all new buildings being built to net zero standards as soon as possible;
- Transport and Connectivity - reducing the carbon footprint from transport through supporting low carbon vehicles, active travel and a reduction in unnecessary vehicle use through increased local access to fast internet and public or shared transport;
- Electricity - including measures relating to energy efficiency, generation of renewable electricity, energy storage;
- Natural Environment - including by protecting, restoring, and sensitively managing County Durham's natural and semi-natural habitats; and
- Adaptation to climate change.

4.38 The planning system plays a role in the United Kingdom's response to climate change and the M&WDPD needs to be consistent with the requirements of the NPPF which requires that the planning system should meet the challenge of climate change and support the transition to a low carbon future in a changing climate. Specifically, the NPPF requires that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures[18]. It requires that new development should be planned in ways which avoid increased vulnerability to the range of impacts arising from climate change and help reduce greenhouse gas emissions.

4.39 Climate change is a treated as a key issue running through the County Durham Plan. Objective 16 of the County Durham Plan related to Climate Change Adaptation. Of particular relevance to the M&WDPD is the requirements of County Durham Plan Policy 29 (Sustainable Design) which seeks to achieve zero carbon buildings and providing renewable and low carbon energy generation will be applicable to proposals for all new waste management facilities. Climate change is also treated as a key issue running through the M&WDPD.

[16] https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035

[17] Durham County Council, Climate Change Strategy & Climate Emergency Response Plan 2022 – 24. Also known as CERP2.

[18] In line with the objectives and provisions of the Climate Change Act 2008.

4.40 Through the provisions of Policy M3 (Benefits of Mineral Extraction) the Council will consider and give weight to the benefits of mineral extraction (except in relation to proposals for coal extraction) and particular value will be placed upon measures which help mitigate and adapt to climate change. Technological developments in how minerals and waste will be transported in the future will also play a role in the future. Through the provisions of Policy MW7 (Traffic and Transport) the Council will seek to maximise the use of sustainable forms of transport such as by rail/and or by low emission vehicles and through the provisions of Policy M8 (Mineral Rail Handling Facilities) the Council will seek to facilitate rail transport where there are railways nearby with available capacity. Through the provisions of Policy M10 (Ancillary minerals related infrastructure) the Council requires the consideration of climate change mitigation associated with emissions through electrification or renewable energy generation. Climate change is also addressed through the provisions of Policy M12 (Oil & Gas Exploration, Appraisal and Production). Similarly, through the provisions of Policy MW20 (Mineral Site Restoration, Landfill & Landraise) the Council recognises that the restoration and after use of mineral sites, landfill and landraise sites can provide a mechanism through which some climate change and mitigation can be achieved.

4.41 The National Waste Management Plan (NWMP) acknowledges that there is a need for significant changes in the way we manage our waste including going further to improve recycling rates and ensuring effective waste management can reduce carbon emission from the waste sector, contributing to government's net zero target and a green recovery. For example, the NWMP is targeting energy from waste incinerators to produce heat for heat networks as this substantially reduces their emissions by making use of the otherwise wasted heat to displace gas boiler heating. This will support a shift from using high carbon gas generation to lower carbon generation in heat networks. Other than facilities such as landfill most new waste management facilities within the County will be located on industrial estates, accordingly the requirements of County Durham Plan Policy 29 (Sustainable Design) which seeks to achieve zero carbon buildings and providing renewable and low carbon energy generation.

4.42 Addressing climate change is one of the core land use planning principles which the NPPF. Accordingly, all future decision-making will need to consider how development can mitigate, adapt, avoid vulnerability, and increase resilience to the impacts of climate change. Where an environmental impact assessment is required, applicants will be expected to demonstrate an understanding of the impact of the project on climate change including the nature and magnitude of the likely greenhouse gas emissions of their proposal and the vulnerability of the project to climate change[19]. This will allow the Council to determine the likely significant effects of the proposal on climate change over the life of the proposed development, both positively and negatively in accordance with the Environmental Impact Assessment Regulations.

[19] For further information please see the IEMA best practice guide and any subsequent updates. Institute of Environmental Management & Assessment (IEMA) Guide: Assessing Greenhouse Gas Emissions and Evaluating their Significance 2nd Edition.

Land stability and instability

4.43 Minerals sites such as quarries and some forms of waste development such as landfill and landraise sites can give rise to land instability if proposals are not properly designed and implemented. Proposals for mineral working and waste disposal should demonstrate that quarry sides and landfill and landraise slopes remain safe and stable during both the sites operational and restoration phases and not result in landslip or unacceptable differential settlement in the long term. Where there is the possibility of land instability, applications for minerals and waste development should be accompanied by a stability report which demonstrates that the perimeter slopes, adjoining land, and any internal slopes remaining after restoration will remain stable, including appropriate gradients and management of run-off. The PPG provides advice on what factors should be considered in assessing quarry slope stability[20]. County Durham Plan Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) will also apply to all new proposals for permanent minerals and waste development involving new built development.

Aviation Safety

4.44 Consideration of aviation safety should be in conjunction with County Durham Plan Policy 28 (Safeguarded Areas) and Policy MW20 (Mineral Site Restoration, Landfill and Landraise). Open water including setting ponds at quarries, wetland-based restoration schemes and land fill sites which accept putrescible waste have the potential to attract increased numbers of large flocking birds which can increase the overall risk of bird strike to aircraft. Water-based restoration may be able to be achieved without constituting an unacceptable risk to aviation safety through the incorporation of measures which are less attractive to birds including reed beds or fragmented ponds. Consultation should occur with airport and aerodrome operators on proposals which are likely to attract birds within the safeguarded areas identified on the County Durham Plan Policies Map.

Cumulative Impact

4.45 Due to the nature, scale and location of both past and existing minerals and waste development in the County, cumulative impact is an important issue. In the past it has been of particular significance in relation to surface mined coal in the exposed coalfield in central Durham and it remains an important issue in parts of the East Durham Limestone Plateau where many of the County's remaining crushed rock and sand quarries and landfill sites are now located. Similarly, due to the location of a number of the County's large carboniferous limestone quarries and where further interest in working is now concentrated it is also potentially an issue along the A66 in South West Durham.

4.46 Cumulative impact is a cross cutting issue and is of relevance to both the amenity of local communities and the natural and historic environment but, given the location and nature of minerals development, the County's landscape, biodiversity and on its groundwater resources including the groundwater in the Magnesian

[20] Planning Practice Guidance (Minerals) Paragraph: 033 Reference ID: 27-033-20140306 Revision date: 06 03 2014.

Limestone. Where several separate minerals or waste sites are situated in proximity it is necessary to assess the overall impact of these on communities and the natural environment. Even where the impact of single effects or the combination of effects from individual sites are acceptable it may be that, in combination with others nearby sites that the overall environmental effects are not. In assessing the effect of proposals on an area, it is necessary to consider the overall level of environmental impact, including the effects of successive minerals and waste development, irrespective of the number of sites involved. This will include, where appropriate, consideration of existing minerals and waste development in the area, sites with planning permission but where minerals and/or waste development has not started, current planning applications for minerals development (but not prospective sites for which no planning application has been made). It may also be necessary on occasion to consider the cumulative impact of other non-mineral and non-waste development. The time period over which cumulative impacts are considered will depend upon the circumstances of individual proposals.

Policy M2 - Mineral Exploration

Where required, temporary planning permissions will be granted for exploration to identify mineral resources, without prejudice to the consideration of subsequent planning applications for mineral extraction, provided that the exploration conforms with other relevant policies of the County Durham Plan and Minerals and Waste Policies and Allocations document and subject to satisfactory safeguards to ensure that there will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities.

4.47 Although the basic geology of the County Durham is generally known, mineral exploration will be necessary to refine knowledge about the precise extent of mineral resources and to prove that resources exist in sufficient concentration and quality to be worked.

4.48 Most mineral exploration activities are of relatively short duration and have a limited environmental impact and some are classed as permitted development under the General Permitted Development Order[21]. However, where the proposed mineral exploration is not classed as 'permitted development' and planning permission is sought, it is important for satisfactory safeguards to be in place to minimise the environmental, amenity and long-term impacts of the development. At a minimum, planning conditions would include conditions in relation to the commencement, completion and decommissioning of exploration operations and for all development being carried out in accordance with approved plans and documents. A range of other planning conditions may also be required in relation to site working including but not limited to matters such as operating hours, site lighting, noise, site access and the protection of the public highway, traffic movements, protection of surface and groundwater, biodiversity, and restoration. Where planning permission is required, applications will be considered on the impacts of the exploration activity

[21] The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 17 Mining and Mineral Exploration. Class J – temporary use of land etc for mineral exploration. Class K – use of land etc for mineral exploration.

itself, rather than on the possible merits of any future proposal to exploit the mineral. There are three main methods of mineral exploration:

- **Geophysical surveys**, of which the most common type are seismic surveys. Whilst these surveys can provide useful information about the underlying geological structure, they do not prove the existence of mineral resources. Most seismic surveys have little environmental impact; however, noise and vibration can raise concerns when carried out in sensitive areas;
- **Trial pits and shallow boreholes** are methods of surface mineral exploration which aim to collect information on the depth, extent and quality of the mineral, the composition of overburden and hydrological data. The pits and shallow boreholes are backfilled and reinstated after the information is collected. The main issue is the impact they may have on archaeology, although these pits can provide an opportunity to obtain information on a site's archaeology at an early stage: and
- **Deep Boreholes**, although not often used in County Durham, they are used in the exploration of oil and gas or for proposals for lithium which can be dissolved in deep groundwaters. A drilling rig together with associated equipment would be required to conduct this exploration activity. The environmental implications of deep borehole drilling are therefore more significant than the other exploration methods listed above. The main considerations associated with deep boreholes include visual impact, noise, access to land and water pollution. For all such proposals it will be necessary that drilling rigs, well sites and all other associated facilities and infrastructure associated with exploration and appraisal are sited in the least sensitive location from which the target reservoir can be accessed, and that exploration and appraisal operations are agreed for a temporary period and that a comprehensive restoration strategy is agreed, together with a scheme of after use and aftercare.

4.49 The drilling of boreholes for petroleum exploration is not permitted development. Detailed guidance on oil and gas are set out in Chapter 5. Due to the potential duration and specific requirements of national policy any proposal for the exploration of oil or gas would be determined in accordance with Policy M12 (Oil and Gas Exploration, Appraisal and Production).

Policy M3 - Benefits of Minerals Extraction

In determining planning applications for minerals extraction, including extensions of time to existing sites to allow full recovery of permitted reserves, great weight will be given to the benefits of mineral extraction.

4.50 The NPPF makes it clear that when determining planning applications, local planning authorities should give 'great weight' to the benefits of minerals extraction, including to the economy. For the Council to give great weight to the benefits of mineral extraction (except in relation to proposals for coal extraction[22]) in the

[22] In accordance with NPPF paragraph 217 great weight will not be afforded to the benefits of surface mined coal extraction and whose benefits are referred to by the NPPF as national, local and community benefits and will be considered on an individual basis in the context County Durham Plan Policy 53 (Surface Mined Coal and Fireclay).

decision-making process the applicant should explain the benefits arising from the proposed development to enable the Council to assess the nature and significance of the benefits.

4.51 The economic, environmental, and local and community benefits of a proposal can all be important parts of the justification underlying any proposal.

4.52 **Economic benefits** can potentially be realised at several scales depending upon the importance of the mineral to be worked and the scale of the proposed working and markets served. Mineral working contributes to high and stable levels of economic growth and the steady and adequate supply of minerals is necessary to provide the infrastructure, buildings, energy, and goods that the country needs. Proposals for new or extended mineral workings can have the benefit of creating new employment at mineral sites and associated industries including the haulage industry and help safeguard existing employment and can result in new training opportunities. Such proposals will also result in wages and other money being spent in the local economy. The prior extraction of minerals in advance of non-minerals development, whilst having the benefit of avoiding the sterilisation of finite mineral resources can also result in reduced costs or an additional income stream for the developer.

4.53 **Environmental benefits** of minerals extraction relate mainly to the benefits that can be provided through enhancements to the environment through the restoration and after use of mineral sites, although it is recognised that some benefits could accrue through the various forms of mitigation measures which could be required through the operational phase of minerals development including landscaping and planting which would have biodiversity benefits. Given local priorities, in 2019 the Council declared a Climate Emergency and is seeking to make County Durham carbon neutral. In 2022 the Council also declared an ecological emergency to stop the decline in wildlife and natural habitats. Particular value will be placed upon benefits which help mitigate and adapt to climate change and promote nature recovery by delivering net gains to biodiversity and the delivery of the County Durham Local Nature Recovery Strategy (once prepared). Environmental benefits could also include:

- The creation of features of geodiversity interest contributing to the delivery of the requirements of Geodiversity Audits and Action Plans;
- Improvements to landscape character contributing to the delivery of the County Durham Landscape Strategy;
- The creation of flood storage areas where sand and gravel has been extracted in the floodplain next to rivers;
- The provision of other forms of green infrastructure such as public open space, community woodlands and other recreational facilities;
- The comprehensive reclamation of areas of derelict or contaminated land, or the remediation of coal mining legacy issues; and
- Renewable energy generation projects - Some former mineral sites and waste sites may be suitable locations for renewable energy generation which may help offset the climate change impacts of mineral working.

4.54 **Local and community benefits** are those generated by the proposal which will improve the economic and social well-being of the communities affected by the proposed development, for example the creation of new community woodland, an enhanced public rights of way network or recreation facilities within the local area near to a minerals site.

4.55 Applicants are encouraged to engage with the Council and undertake pre-application community engagement prior to the submission of planning applications. Through these processes an applicant will be able to discuss the nature and significance of the potential benefits that their proposal could provide and how these benefits could be maximised. Applicants are also encouraged to outline the benefits of their proposal within their planning application.

Policy MW4 - Noise

To protect the environment[23] and the amenity of local communities and minimise future complaints the Council will require operators to submit a noise impact assessment and noise action plan to demonstrate how they propose to minimise, mitigate and whenever possible remove noise emissions at source.

1. **Proposals for minerals developments including minerals extraction, processing and restoration at minerals sites, surface operations associated with underground mineral extraction sites and waste recycling and disposal operations that form an integral part of a minerals sites, will be permitted where the operator can demonstrate that noise levels at specifically identified noise-sensitive properties and sensitive environmental sites do not give rise to an unacceptable adverse impact. Subject to specific circumstances which may justify some small variation, noise limits will be established subject to:**
   a) **During normal working hours (07.00 - 19.00) noise should not exceed background noise levels, (LA90) 1 hour (free field) by more than 10dB(A) at noise sensitive properties, or where it is difficult not to exceed 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, 1h (free field);**
   b) **During the evening period (19.00 - 22.00) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field);**
   c) **During the night time period (22.00 - 07.00) noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property;**
   d) **Where the site noise has a significant tonal element specific limits may be required, and where site operations have a or peak or impulsive noise element, separate limits may also be required to be set independent of background noise and they will not be allowed to occur regularly at night; and**

[23] To include, but not restricted to, qualifying features of the SPA/Ramsar site as required.

e) **Noise emitted as a result of noisy short-term activities will be permitted to facilitate essential site preparation and restoration work but should not, unless in wholly exceptional cases, exceed 70dB LAeq, 1Hr (free field) at specified noise sensitive properties during normal working hours and will be permitted for no more than eight weeks a year. Where work is likely to take longer than eight weeks, a lower limit over a longer period should be set as deemed appropriate. To minimise adverse impacts, where such activities are permitted to occur operators will be expected to deliver temporary works at a lower agreed level of noise impact whenever possible.**

2. **Proposals for ancillary minerals development which do not form part of a mineral extraction operation at a mineral site and all other waste development, excluding waste recycling and disposal operations that form an integral part of a minerals site, will be permitted where it can be demonstrated that noise levels[24] arising from the development at specifically identified noise-sensitive properties** and **sensitive environmental sites do not exceed the following**:
   a) **During daytime hours (07.00-23.00) noise should not exceed background noise levels (LA90, 1hr) by more than 5dB LAeq 1hr;**
   b) **Between 5dB and 10dB LAeq higher than the background noise level (LA90 1hr) at noise sensitive properties and locations and which would result in an adverse impact may be considered to be acceptable provided that suitable mitigation is incorporated in the scheme and the benefits outweigh the impacts;**
   c) **10db LAeq or more, higher than the background noise level (LA90 1hr) at noise sensitive properties and locations which would result in an unacceptable adverse impact will not normally be acceptable;**
   d) **During night-time hours (23.00-07.00) noise should not exceed background noise levels (LA90 1hr) by more than 0dB LAeq 15min; and**
   e) **Where the site noise has a significant tonal element, or peak or impulsive noise these must be accounted for within the analysis of noise and can result in a reduced threshold value.**

4.56 This policy should be applied in association with County Durham Plan Policy 31 (Amenity and Pollution). Minerals and waste sites are recognised to be noise generating developments which have the potential to have an adverse impact on both the environment and the amenity of local communities. The NPPF makes it clear that planning policies should be prepared to address both noise limits and noisy short-term activities which, whilst they may otherwise be regarded as unacceptable, they are unavoidable to facilitate minerals extraction. Similarly, the National Planning Policy for Waste makes it clear that in determining planning applications that the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings and that intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. The 'Noise' PPG[25] provides advice on how the planning system can manage potential noise impacts in new development and

[24] The above measurements will be carried out in Line with the methodology within BS 4142 Methods for Rating and Assessing Industrial and Commercial Sound.
[25] Planning Practice Guidance (Noise) Paragraph: 001 - 0017 Reference ID: 30-001-20190722 Revision date: 22 07 2019.

specific guidance on how mineral operators should seek to control noise relating to minerals sites is provided within the 'Minerals' PPG[26]. Where related similar processes such as recycling, and disposal occur as an integral part of a mineral working site noise from related operations should be considered as part of the overall mineral site.

4.57 To consider adverse impacts and minimise, mitigate and whenever possible remove noise emissions at source and ensure a good standard of amenity can be achieved, a noise impact assessment and noise action plan will be required. However, the nature of the assessment will be dependent on the type and scale of the proposed development. For example, for development where a localised impact is likely, an assessment of the risk of an adverse impact on neighbouring sensitive receptors should be carried out. Where development is of a larger scale, a more detailed assessment will be required of the potential for effects on more distant receptors.

4.58 The noise impact assessment and noise action plan should be prepared by a competent person and in accordance with best practice. The noise impact assessment will need to consider the risk of, and level of impact on existing amenity and noise sensitive receptors. It should consider existing background noise levels, the predicted noise from the proposed development, identifying all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules, and duration of work for the life of the operation, and its likely impact on the surrounding area. The noise impact assessment will also be required to specify the noise-sensitive properties or locations that may be affected, which could include other noise sensitive environmental receptors. It should also specify the noise reduction practices which are proposed to be used together with the predicted effects of the noise mitigation measures and include proposals for noise monitoring. The noise action plan should include exact locations of noise monitoring points and proposed monitoring frequency for both normal and temporary operations. The locations of noise monitoring points shall be chosen to ensure that the possibility of off-site noise affecting measurements is reduced to a minimum.

4.59 Noise limits around minerals sites, including surface operations associated with underground mineral extraction sites and waste recycling and disposal operations that form an integral part of a mineral working operation, will vary in accordance with the existing noise climate around the proposed site and the time of day. Wherever possible the Council will seek adherence to the identified noise limits identified but it is recognised that there may be circumstances, where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, in such instances the limit set should be as near that level as practicable. In addition, there may be instances when particularly noisy short-term activities, for example soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps or the construction of new permanent landforms, may exceed noise limits for normal operations. This can be acceptable for temporary periods to attain specific long-term

[26] Practice Guidance (Noise) Paragraph: 019 - 0022 Reference ID: 27-019-20140306 Revision date: 06 03 2014.

environmental benefits and may be permitted up to eight weeks per year. However, in exceptional circumstances, a higher limit for a very limited period may be agreed to obtain specific environmental benefits. However, operators will be expected to make every effort to deliver any temporary noisy short-term activities at a lower level of noise impact.

4.60 Proposals for ancillary minerals development which do not form part of a mineral working operation such as those located on industrial estates and waste development will be permitted where the operator can demonstrate that noise levels at specifically identified noise-sensitive properties and locations will be required to meet the requirements of the current edition of British Standard BS4142[27], which provides a method of assessing the impact of a source of industrial or commercial sound and any local authority technical advice notes. When assessing such planning applications, if the predicted commercial / industrial noise is 5dB higher than the background noise levels, during the day, then this is an indication of an adverse impact which may or may not be considered acceptable in terms of amenity. In such circumstances measures will be required to mitigate and reduce the noise to a minimum and consideration will be required to determine whether the benefits of the proposed development outweigh the impacts. If the commercial / industrial noise is 10dB or more, higher than the background noise level, during the day, then this is an indication of a significant adverse impact which would not normally be acceptable. It is expected that these types of proposals will generally operate within the hours of 7.00-19.00 Monday to Friday, 08.00-14.00 Saturday with no operations on a Sunday. Deviations from these hours are likely to increase the potential for a detrimental impact on amenity and potential reduced noise threshold levels. Policy MW4 also includes a criterion requiring an assessment of noise during night-time hours. Where site noise has a significant tonal element or peak or impulsive noise this must be accounted for within a noise assessment.

Policy MW5 - Air Quality and Dust

Proposals for minerals and waste development will be permitted where it can be demonstrated that the proposed development will not have an unacceptable adverse impact either individually or cumulatively on the environment, amenity, or human health:

1. Through the emission of one or more air quality pollutants including those associated with vehicle emissions, and point sources of pollution which would expose people to harmful concentrations of air pollutants and/or have an unacceptable adverse impact on biodiversity and/or have and unacceptable adverse impact on any Air Quality Management Area within the County;

2. As a result of dust emissions from dust generating activities from within a site upon residential properties and other dust sensitive land uses.

4.61 Minerals and waste development has the potential to result in adverse impacts on air quality through the emission of air quality pollutants and can generate dust which may also affect local air quality and give rise to complaints.

[27] BS4142 - Methods for Rating and Assessing Industrial and Commercial Sound.

Air Quality

4.62 The Air Quality PPG provides guiding principles on how planning can take account of the impact of new development on air quality. It advises that the UK has a national emission reduction commitment for a number of air quality pollutants[28]. In addition to particulates (PM10 and PM2.5) from the mineral and waste processing operations there is a potential for emissions of a number of air quality pollutants (Nitrogen Dioxide – NO^2 and Particulates PM10 and PM2.5) from the exhaust emissions from the movement of Heavy Goods Vehicles (HGVs) to and from sites together with plant and machinery operated on sites. Dependent upon the characteristics of the particular development, the impact of point source emissions of other pollutant types may also need to be included in any assessment.

4.63 Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Air quality may be a material consideration if the proposed development would be detrimental to existing air quality at receptors in the vicinity to where it is proposed to be located. Receptors include residential dwellings, schools, and sites of ecological importance. It will also be necessary to ensure that proposals for minerals and waste development do not increase levels of one or more of the air quality pollutants in areas where an Air Quality Limit Value or national Air Quality Objective is already being exceeded i.e., an Air Quality Management Area) and/or is likely to give rise to non-compliance with an Air Quality Limit Value or national Air Quality Objective. Proposals for new development with the potential to have an impact on air quality within an Air Quality Management Area must be consistent with the action measures in an Air Quality Action Plan. In considering impacts on air quality the Council will consult with other regulatory bodies including the Environment Agency.

4.64 Where necessary an air quality assessment will be required to understand any impact on air quality that may occur from minerals and waste development and therefore the need and scope for mitigation measures. The air quality assessment will need to focus on air quality pollutants of specific concern and provide an understanding of (i) the existing baseline air quality for the location at which the minerals development or waste development proposal relates to (ii) a prediction of what the future air quality is for the locality of the proposal with and without the proposed development. This will provide an assessment of the impact of the proposed development on air quality. The outcome of the assessment will determine whether the proposal may go ahead with or without mitigation measures. The higher the baseline level of an air quality pollutant the greater the risk that an Air Quality Objective and/or Air Quality Limit Value will be exceeded. Where the proposal may itself give rise to impacts on air quality these must be considered in combination with existing sources of air quality pollutants. This will require the cumulative impact on air quality to be assessed where there are other mineral and or waste sites or other sources of air quality pollutants located in the area.

[28] The PPG (Air Quality) advises that the UK also has national emission reduction commitments for overall UK emissions of 5 damaging air pollutants: fine particulate matter (PM2.5); ammonia (NH3); nitrogen oxides (NOx); sulphur dioxide (SO^2); and non-methane volatile organic compounds (NMVOCs).

4.65 In conjunction with the mitigation measures for any dust generated by minerals and waste development, consideration also needs to be given to mitigating air quality pollutants. However, the need and scope for air quality mitigation measures will depend on the proposed development and will need to be proportionate to the likely impact. Examples of mitigation measures include maintaining adequate separation distances between sources of air pollution and receptors, using green infrastructure in particular trees where this can create a barrier, appropriate means of filtration and ventilation, methods of working that will minimise emissions of one or more of the air quality pollutants and the use of low or zero emission vehicles and plant.

Dust

4.66 Where dust emissions are likely to arise from site operations which include the transport of minerals and waste, as far as possible dust generating activities should be located away from residential properties and other sensitive land uses. It will be important for dust management issues to be considered at the outset of all proposals and ideally the dust assessment should inform site design and site operations. A dust assessment and action plan will be required with the exact scope of the assessment being agreed with the Council. Detailed guidance on dust emissions for mineral sites is set out in the Planning Practice Guide (PPG) and it is considered that this guidance should also be applicable where necessary to waste developments where dust is generated. The PPG explains that there are five key stages to a dust assessment study. These are to establish baseline conditions of the existing dust climate around the site of the proposed operations; identify site activities that could lead to dust emission without mitigation; identify site parameters which may increase potential impacts from dust; recommend mitigation measures, including modification of site design; make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

4.67 The assessment of the impact of dust pollution will need to consider the impact on air quality from emissions of PM10 (Particulate Matter below 10 microns) and the potential for visible dust emissions to give rise to unacceptable amenity impacts or to a statutory nuisance to neighbouring sensitive receptors. Applicants must first seek to remove and reduce dust emissions at their source. If this is not possible, then the emissions must be controlled. Should neither option be possible, mitigation measures must then be implemented. Planning applications should clearly set out what measures are proposed to minimise the potential effects of dust from minerals and waste development sites on sensitive land uses and locations around the proposed site. If the proposed minerals and waste development is expected to produce fine particulates (PM10) dust, and these are likely to exceed air quality objectives for the area, additional measures may need to be put in place if the actual source of emission is within 1000m of any residential property or other sensitive land use. This distance may be revised due to local circumstances such as the topography, the nature of the landscape, the respective location of the site and the nearest residential property or other sensitive land uses in relation to the prevailing wind speed, wind direction and visibility. Operators should follow the assessment framework within the PPG for considering the impacts of PM10 from a proposed site.

4.68 To minimise and control dust emissions, dust control equipment and dust suppression measures may be required in relation to vehicular movements, mineral extraction, crushing and screening operations, waste management and disposal operations, mineral, soils stripping and placement operations, and soils and overburden stockpiling arrangements. It can also include the seeding of storage mounds and mounds for soils and overburden. Equipment and measures can include mobile water bowsers, sprays, and use of dust suppression agents to water haul roads and areas used for the loading of minerals and storage mounds during dry and windy weather, the use of dust suppression equipment on all fixed plant and machinery, wheel washers to remove dust and mud from wheeled transport leaving sites which could result on loose materials being deposited on the public highway. It can also include speed limits on internal haul roads, with plant operating with exhausts upturned. All Heavy Goods Vehicles entering or leaving sites should also be covered suitable to their load to avoid dust being emitted when transporting loose materials.

Policy M6 - Blasting

Proposals for minerals working will be permitted where the operator can demonstrate that, where blasting is required, blast vibration has been minimised and that there are no unacceptable adverse impacts either individually or cumulatively on the environment, and that the ground vibration resulting from blasting will not have an unacceptable adverse impact on people within buildings or to buildings and structures. Applications for mineral working should be accompanied by a blasting and vibration monitoring scheme.

4.69 This policy should be applied in association with County Durham Plan Policy 31 (Amenity and Pollution). Within County Durham, vibration linked to quarry blasting operations is largely related to the County's hard rock quarries, where crushed rock aggregate is produced. Blasting can result in several effects which include ground vibration, air overpressure and projected rock particles with impacts being dependent on a variety of factors including the scale of charge, geology and geological faulting, the presence of old mine workings, surrounding topography, atmospheric conditions, and the distance to nearby sensitive receptors.

4.70 In order to control the impacts of blasting, limits will be imposed on the timing of blasts and ground vibration levels measured by peak particle velocity (PPV) at vibration sensitive properties. The precise levels of PPV that will be acceptable will depend on the effects on the local environment but will also be determined by the type of mineral being worked and local circumstances**.** A key consideration within County Durham is the cumulative impact of blasting within an area and the nature of the geology. In certain parts of the County including the Magnesian Limestone Escarpment where a number of quarries are in close proximity to one another and also near to populated areas and key infrastructure such as the A1(M), lower limits will generally be required. Similarly, due to geological characteristics, some rock types which are softer, for example magnesian limestone and are considered easier to blast than others, such as the carboniferous limestone and dolerite, therefore lower limits may be more appropriate than where the rock is harder. Operators who undertake blasting will be required to seek to minimise adverse effects to acceptable

levels. An assessment of likely significant effect (LSE) on qualifying features of the SPA/Ramsar will be required when proposals that require blasting are sited either within a SPA/Ramsar site, or within the precautionary functional land buffer, as identified within the HRA of the M&WDPD and County Durham Plan.

4.71 The British Standards Institution (BSI) has produced two standards that relate to blast-induced vibration, one relates to the impact on buildings and structures[29], and the other to the impact on people within buildings[30]. The BSI standard 6472-2 sets out a 'satisfactory magnitude' of 6 to 10mm/second peak particle velocity with respect to people within buildings. Generally, most limits within the County have been set at a lower end of this scale and it is normal practice to require more than 95% of blasts to be below a defined limit set by condition. Where applicable applications for mineral working should be accompanied by a blasting and vibration monitoring scheme which will identify the mitigation measures to be implemented during blasting operations, the details of the proposed monitoring frequency and a plan showing the monitoring locations. This should be accompanied by details of the siting of warning flags and notice boards and procedures for informing occupiers of adjacent residential properties of blasting procedures.

4.72 Test blasting associated with mineral exploration is permissible in certain circumstances set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (Class K Use of land etc. for mineral exploration).

Policy MW7 - Traffic and Transport

1. **The transport implications of all proposed minerals or waste development which will generate significant amounts of vehicular movement must be assessed as part of any planning application through a transport assessment or transport statement.**
2. **In determining planning applications for minerals and waste development the Council will seek to maximise the use of sustainable forms of transport, where opportunities exist and are practicable and economic:**
   (i) by ensuring that applicants have considered the scope for the movement of minerals by rail from existing and new transport infrastructure; and (ii) for both minerals and waste development encouraging the utilisation of changing transport technologies including those which over time will minimise greenhouse gas emissions through fuel efficiency and low and ultra-low emission vehicles. Where this is the case, this will be considered a benefit under Policy M3 (Benefits of Minerals Extraction). Where the movement of minerals by rail is feasible as part of new or extended mineral workings, applicants will be required to consider such movements from both existing and new rail handling facilities. Proposals for the establishment of new mineral rail handling facilities will be considered in accordance with Policy M8 (Mineral Rail Handling Facilities).

[29] BSI 7385-2, Evaluation, and measurement for vibration in buildings, Part 2: Guide to damage levels from ground-borne vibration, 1993.
[30] BSI 6472-2, Guide to evaluation of human exposure to vibration in buildings, Part 2: Blast induced vibration, 2008.

3. **In determining planning applications, proposals will be permitted where it can be demonstrated that:**
    a. **They provide safe and suitable access for all employees and visitors which optimises where practicable the use of public transport, walking and cycling; and**
    b. **Vehicular traffic generated by the proposed development does not have an unacceptable adverse impact on highway safety on the strategic or local road network (in terms of capacity and congestion). Any unacceptable highways impacts resulting from the development should be avoided or mitigated to acceptable levels.**
4. **In granting planning permission, where necessary 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 number of lorry movements, the operating hours of lorry traffic and the routeing of traffic to and from the site to minimise the amenity impact of traffic on local communities;**
    b. **Highway improvements and/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, the sheeting of laden vehicles or other appropriate conditions;**
    d. **Safe access to and from the site and the provision of on-site turning, parking, loading, and unloading areas; and**
    e. **The means of transporting material within the site, or between different parts of the same working area.**

4.73 This policy should be applied alongside County Durham Plan Policy 21 (Delivering Sustainable Transport). Transport is one of the main environmental considerations which will need to be carefully assessed when determining planning applications. This is due to the Heavy Goods Vehicle (HGV) traffic associated with minerals and waste developments which can cause adverse impacts on highway safety, on pollution caused by vehicle emissions, on amenity through noise, dust, vibration, the physical separation of communities and visual intrusion caused by traffic flow. The HGVs also have an impact on the strategic[31] and local road network in terms of its capacity and levels of congestion. In addition, they produce carbon emissions that contribute to global warming.

4.74 Almost all minerals and waste in County Durham are transported by road and significant quantities are also transported in and out of the County to adjoining areas, such as Tyne and Wear and the Tees Valley which are regionally significant centres of demand for aggregates and important sources of waste and the location of regionally important waste management facilities. The extent and complexity of vehicle movements in combination with the lack of navigable waterways and limited rail infrastructure means that there are currently very limited opportunities for more sustainable modes of non-road transport.

[31] Strategic Road Network (SRN) – nationally significant roads used for the distribution of goods and services, and a network for the travelling public.

The Sustainable Transport of Minerals and Waste

4.75 While currently limited there may be opportunities for more sustainable non-road-based transport of minerals and waste now and in the future. County Durham Plan Policy 48 (Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites) has sought to safeguard minerals related transportation infrastructure including rail lines and alignments, rail links to quarries and railheads which could facilitate the sustainable transport of minerals by rail and by sea. Policy M8 (Mineral Rail Handling Facilities) also seeks to facilitate the provision of new mineral rail handling facilities.

4.76 Information on how the use of the rail network could be maximised will be a requirement in considering certain mineral planning applications. However, it is recognised that this will not be relevant to all proposals and will most readily apply where proposals for new large or extended mineral workings are proposed near to or adjacent to an existing or protected rail route or alignment. In addition, it is also recognised that the transport by rail of relatively small quantities of minerals to local, dispersed points may not be economic and could lead to a poorer environment due to increased total travel distance and the need for final delivery by road. In assessing the feasibility of rail use regard will be had to both practical and economic implications, to ensure that the level of additional costs incurred are reasonable when compared with the local and wider environmental benefits that would accrue.

4.77 Technological advancements across the transport sector to facilitate a movement away from fossil fuel based road transport are anticipated over the coming years. These advancements could make a valuable contribution towards tackling climate change and if achieved should be considered as a benefit. These are likely to include major improvements in fuel efficiency, the introduction of low and ultra-low emission haulage vehicles, and in time, zero emission vehicles that employ only non-fossil fuel-based means of power. In November 2021, the UK Government announced that the UK will become the first country in the world to commit to phasing out new, non-zero emission heavy goods vehicles weighing 26 tonnes and under by 2035, with all new HGVs sold in the UK to be zero emission by 2040[32]. Over the life of the M&WDPD the Council will seek to encourage the use and the early adoption of low or zero emission vehicles for the movement of minerals and waste, however, it is recognised that future uptake and use is dependent on technological development and standards which fall outside of the scope of the planning system.

Road Traffic

4.78 The Council is the Local Highways Authority and is responsible for the Local Road Network and National Highways is responsible for the Strategic Road Network. Prospective applicants should engage with the Council through the pre-application process where the local or strategic highway network could be affected by a proposal. Where necessary the Council will consult National Highways. This will establish what information is required to assess any proposed development and whether a transport assessment or transport statement is required to be submitted.

[32] UK confirms pledge for zero-emission HGVs by 2040 and unveils new charge point design - GOV.UK (www.gov.uk)

4.79 Planning applications for minerals and waste development which generate large volumes of movements should be accompanied by a Transport Assessment identifying the effect on the highway network of traffic generated by the proposed development. For smaller schemes, the transport aspects of the application can be set out in a transport statement. The Transport Assessments or Statement will be used to establish whether the residual transport impacts of a proposed development are likely to be acceptable and will establish the need for any highway improvement works. Where unacceptable adverse impacts are identified, they must be mitigated in order for the development to proceed. Mitigation measures to this effect might include specific infrastructure improvements or financial contributions towards work to the highway network. It will be important that all vehicular traffic generated by a proposal can safely access and be accommodated on the highway network in terms of both capacity and congestion and without having an unacceptable adverse effect on highway safety.

4.80 Given the reliance on the highway network to transport minerals and waste and the scattered settlement pattern within County Durham it is considered important that the amenity of roadside communities and recreational amenity, including of non-motorised users is considered and protected wherever possible. This includes matters such as the number of lorry movements, the operating hours, and the routing of traffic. The Council will therefore seek to ensure that the most suitable route is identified as part of any planning permission and will seek to ensure that vehicles transporting minerals and waste, avoid or minimise the use of minor rural roads and utilise as soon as practicable the defined Lorry Route Network Map[33]of roads within the County. Where sites are remote from the lorry route network, the use of B roads for the greater part of the journey to the network will generally be preferred.

4.81 The Lorry Route Network Map shows the road network that the drivers of HGVs are expected to use to access destinations within the County whenever practicable. The purpose of the map is to ensure as far as possible that these vehicles travel on roads that are appropriate, thereby reducing environmental impact on less suitable routes. Minor rural roads are an important element in the character of open areas, and often act as recreational routes for cyclists, horse riders and walkers and are generally considered unsuitable to accommodate the regular movement of freight and should be avoided wherever possible. However, the acceptability of using certain minor rural roads for minerals and waste related traffic to support a proposal will be judged on a case-by case basis.

4.82 The Highways Act allows a highway authority to seek costs from a developer for highway works required to make a development acceptable in Highways terms. Also, Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into an agreement with developers for the purposes of restricting or regulating a development, including providing for payments of money towards mitigation measures to achieve road network improvements. Section 106 also allows a local planning authority to receive a unilateral undertaking from developers. It may also be possible to limit vehicle sizes in certain circumstances, for

[33] The defined Lorry Route Network as shown on Map 1 is based on the Primary Road network. These are roads used for transport on a regional or county level, or for feeding into the Strategic Highway Network for longer journeys. They are roads that provide the most satisfactory route between places of traffic importance. It includes all roads classified as an A Road or above.

example when a minerals development is located in a sensitive area such as the AONB.

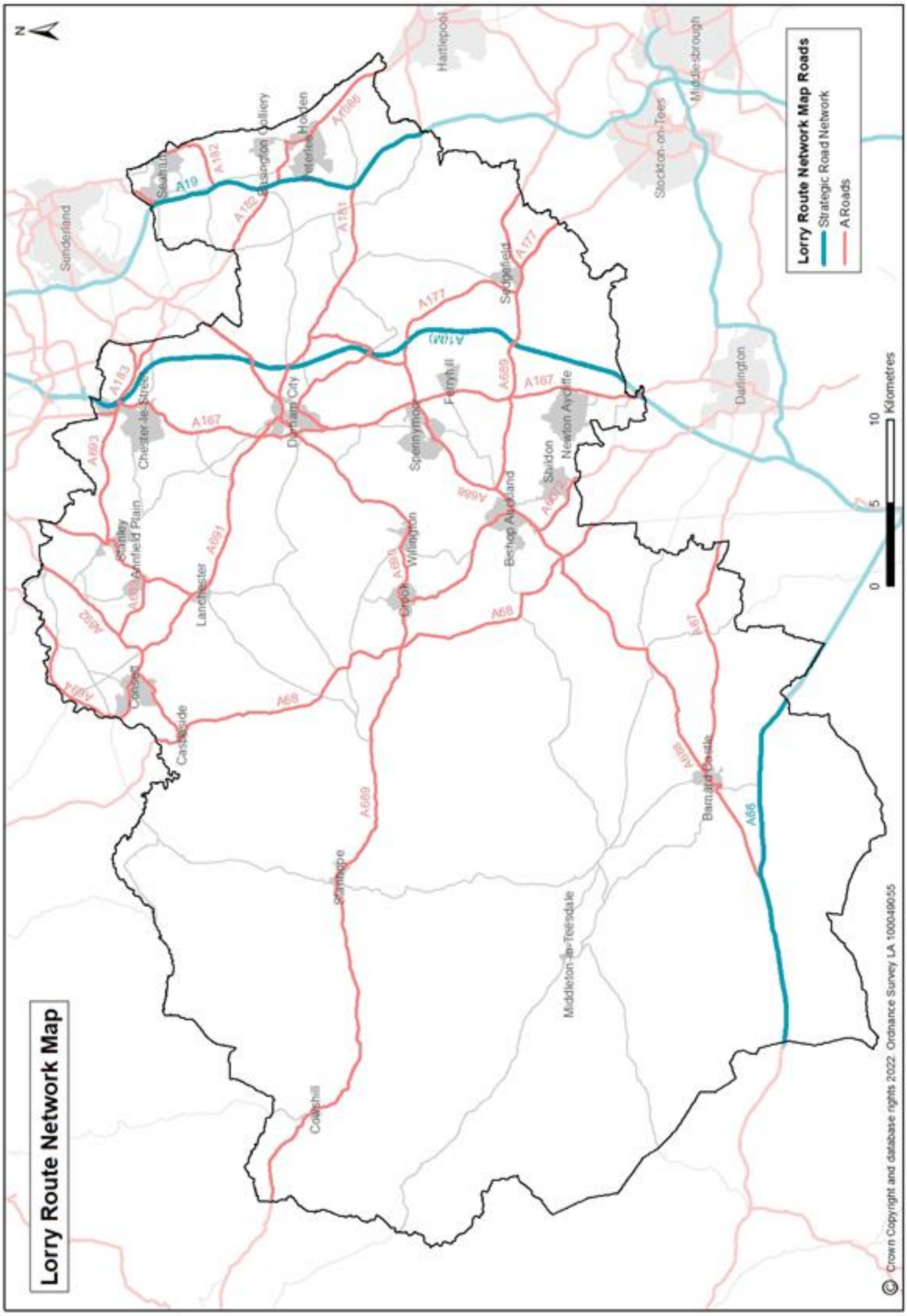
4.83 In granting planning permission for minerals and waste development, planning conditions may be imposed, and planning obligations or other legal agreements sought, to cover a range of matters including the lorry routes which utilise lorry route roads, and in order to minimise related environmental and amenity impacts such as the transfer of mud and dirt onto the public highway through the use of wheel cleaning facilities, the use of suitably metalled access roads and the sheeting of laden vehicles and the operating hours of lorry traffic to and from the site.

Policy M8 - Mineral Rail Handling Facilities

The establishment of facilities which enable the transfer of minerals from road to rail will be permitted provided that it can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health, or the amenity of local communities.

4.84 The establishment of new rail handling facilities for mineral transportation could reduce vehicle miles and associated emissions including, CO^2, and assist in reducing the impacts on the amenity of roadside communities. The ideal location for the rail loading of minerals is at the point of extraction, however, the limited extent of the rail network in County Durham and the fact that minerals can only be worked where they naturally occur mean that this will not always be possible. Potentially opportunities may arise for new facilities which lie along the route of existing safeguarded railways and in locations which may serve several quarries. This may also have the benefit of helping secure the future of existing rail lines.

4.85 The location of any new rail handling facilities will need to be carefully assessed so that any unacceptable adverse impacts are minimised. The range of environmental issues that will need to be considered will be broadly similar to those relating to other minerals development. However, particular attention will need to be paid to protecting communities from the effects of HGVs. In order to minimise impacts on amenity, consideration should always be given to the location of such facilities in order to avoid local roads near to sensitive receptors such as housing. Preferably such facilities should be located on industrial estates or outside of the built-up framework of settlements so that amenity issues such as noise and dust are avoided.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Policy M9 - Borrow Pits

Proposals for borrow pits must be operationally related to a specific construction project and will be permitted where all the following criteria are met:

1. **The applicant can demonstrate that the supply of material cannot be reasonably met from either existing quarries in the local area or by the use of secondary or recycled materials of appropriate quality;**
2. **That the borrow pit lies on or in close proximity to the proposed construction project so that the mineral extracted and any other materials or suitable inert wastes from the construction project can be transported to the point of use or disposal either without or with only minimal use of the local road network;**
3. **That the borrow pit is time limited to the life of the proposed construction project and material is to be used only for the specified project;**
4. **That the borrow pit can be restored to an appropriate landform and that high-quality restoration and aftercare takes place at the earliest opportunity in accordance with an agreed scheme without the use of imported material other than that which is generated on or in close proximity to the construction project; and**
5. **The applicant can demonstrate that the working and restoration of the borrow pit will have no unacceptable adverse impacts on the environment, human health, or the amenity of local communities and can meet the applicable requirements of Policy MW1 (General criteria for considering minerals and waste development), Policy MW4 (Noise), MW5 (Air Quality & Dust), M6 (Blasting), MW7 (Traffic and Transport) and MW20 (Mineral Site Restoration, Landfill and Landraise).**

4.86 Borrow Pits are temporary small-scale mineral workings on or near to a construction project such as road construction or similar civil engineering projects which are used solely to supply mineral, mainly aggregates or clay for a project. While such applications in County Durham are rare, in recent years planning permission has been granted to three borrow pits in association with the construction of estate roads in West Durham.

4.87 Borrow pits can contribute to the sustainable supply of mineral resources that might not otherwise be practicable to extract. Their main advantage is that they can supply a local source of mineral to a specific construction project and reduce the need to transport minerals, thereby limiting costs and reducing the disturbance on the local road network. In addition, they can also reduce the demands placed upon existing quarries. Sometimes they can also be used for the disposal of surplus materials or suitable inert waste materials generated onsite thereby further reducing the need to transport waste.

4.88 Despite these advantages there are a number of other considerations. The most important of these is the difficulty in obtaining satisfactory working and restoration of small scale, temporary projects often worked by firms with little experience of restoring mineral sites to the high standard now required. In addition, because borrow pits are tied to one project, they are vulnerable to problems relating

to technical quality. Where only low-grade material is required, allowing a borrow pit may preclude consideration of the use of suitable waste or recycled materials. Any advantage gained from reduced traffic on the local road network will also be negated where there is a need to export surplus materials or waste from the construction project for disposal. Borrow pits may result in proposals to import waste as fill to restore the site and as a result the Council will seek to ensure that this does not occur by seeking low level restoration when suitable onsite material is not available unless this can be demonstrated to provide an unsatisfactory form of restoration.

4.89 The Council will always require the applicant to demonstrate that a borrow pit is the most appropriate mechanism to supply the necessary material for the associated construction project, and that the supply of material cannot be reasonably met using suitable secondary or recycled materials of appropriate quality or from existing quarries in the local area, and that the that the supply of material from such sources would be seriously detrimental to the environment and amenity of the area because of the scale, location or timing of the necessary operations.

4.90 It is considered important to ensure that borrow pits are closely linked to the construction project with which they are associated. In considering proposals for borrow pits the Council will require the applicant to provide sufficient details of the associated construction project to enable this to be considered in the decision-making process. The coordinated submission of proposals will normally be required and planning conditions and/or planning obligations may be required to manage the relationship between the mineral extraction and the specified non-mineral development.

4.91 The environmental impacts of borrow pits will always need to be fully considered and the working and restoration of borrow pits will always be required to be undertaken to the same high standards as longer-term mineral workings. High quality restoration with a suitable after use and after care will always be required. Applicants should demonstrate how an appropriate landform will be achieved and borrow pits should be restored without the use of imported material, other than that generated by the specified project. This will enable the transport benefits to be fully realised.

Policy M10 - Ancillary Minerals Related Infrastructure

1. Proposals for ancillary minerals related infrastructure will be permitted at active mineral sites where it can be demonstrated that:

a. A clear functional relationship exists between the mineral extraction which occurs, and the proposed ancillary minerals related infrastructure;

b. The proposed ancillary minerals related infrastructure will remain ancillary to the primary use of the site for mineral extraction;

c. The duration of the proposed ancillary minerals related infrastructure is linked to the life of the mineral site and will be removed and restored as soon as extraction of minerals from the site has permanently ceased or any longer period as agreed; and

d. The proposed ancillary minerals related infrastructure can be satisfactorily located and will not individually or cumulatively in association with the mineral site have an unacceptable adverse impact on the environment, human health, or the amenity of local communities and can meet the applicable requirements of Policy MW1 (General criteria for considering minerals and waste development), Policy MW4 (Noise), MW5 (Air Quality & Dust) and MW7 (Traffic and Transport) and other relevant policies.

2. Proposals for permanent ancillary minerals related infrastructure will be permitted where it can be demonstrated:

a. That the proposed development can be satisfactorily located on employment land that is well related to markets and the rail or the lorry route network except where they are located on a strategic or specific use employment site as identified by County Durham Plan Policy 2 (Employment Land); and

b. The proposed ancillary minerals related infrastructure would not individually or cumulatively in association with other employment uses on the employment site have an unacceptable adverse impact on the environment, human health, or the amenity of local communities, or other businesses located on the employment site and can meet the applicable requirements of Policy MW1 (General criteria for considering minerals and waste development), Policy MW4 (Noise), MW5 (Air Quality & Dust) and MW7 (Traffic and Transport) and other relevant policies.

4.92 There are a range of ancillary mineral related development activities which either need to be carried out or have clear advantages in being carried out in proximity to where minerals are worked. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) Part 17, as amended gives operators permitted development rights for certain ancillary minerals infrastructure at existing mineral sites without the need for planning permission, or subject to prior approval. Where a proposal does not fall within the provisions of the GDPO, and planning permission is required the principal policy against which applications will be determined will be Policy M10. In addition to such ancillary mineral related development activities being located at existing mineral sites, Policy M10 also recognises that in locational terms, certain facilities may also be satisfactorily located on employment land in certain circumstances. However, in all cases, it will be necessary to ensure that the ancillary mineral related development will not result in an unacceptable impact on the environment, human health, or the amenity of local communities and on nearby businesses.

4.93 Mineral sites normally need a range of ancillary mineral related development such as buildings, plant and machinery for the treatment, preparation and onwards transportation of minerals produced on the site. The GDPO Part 17, as amended, allows, subject to prior approval, certain types of ancillary minerals related development to be located within minerals workings without planning permission. This is generally where it is directly related to the winning and working, initial treatment or disposal of minerals. Examples of facilities that may not require planning permission are the installation of plant and machinery or structures that are

essential to mineral working, for example conveyors, crushing, washing, bagging, and weighing plants and loading facilities. Various criteria including relating to the height, siting, design and external appearance of buildings and structures may apply. A wider range of other developments, including secondary industries ancillary to the mining operations, e.g., road coatings plants and storage silos, are also permitted under the GPDO subject to the prior approval of the Council and where the Council has not taken the view that the proposed development would be EIA development. Where such prior approval is required, the Council will have regard to all relevant plan policies.

4.94 Mineral sites can also be suitable locations for industrial style plants associated with the onward use of the mineral such as ready-mix concrete plants, concrete product plants and asphalt plants. The location of such ancillary minerals related infrastructure at existing quarries and mines can help minimise overall environmental disturbance. They may also provide the most appropriate location for processes that it may be difficult to accommodate elsewhere as they can for example benefit through either being located within the voids created by mineral working or by the screening afforded by topography planting or noise attenuation bunds. However, it is important that the siting of such development in what would normally be an open countryside location can be justified, and that any benefits of co-location are not outweighed by environmental and amenity impacts. In particular, where ancillary development is proposed at mineral sites in the North Pennines AONB, County Durham Heritage Coast and Areas of Higher Landscape Value, particularly high standards of siting, design and mitigation will be needed to ensure that any impacts will be acceptable. Minerals sites may sometimes be located in the Green Belt. Where ancillary development is proposed in such locations it will be important to ensure that it would not compromise the purposes of Green Belt designation or the openness of the Green Belt.

4.95 Proposals for such ancillary mineral related development will be required to demonstrate that there is a close link between the proposed and the existing extractive operations. It is considered that mineral sites would be suitable locations where a substantial proportion of the raw materials to be used are supplied directly from the mineral site, as this can help to minimise overall transport movements. Although it is recognised that there may be operational, environmental and sustainability advantages of ancillary mineral related development located at one mineral site being able to serve other nearby mineral sites. This would make best use of the mineral related infrastructure in one location and obviate the need for unnecessary duplicate facilities elsewhere. Proposals for ancillary mineral related infrastructure will also need to remain ancillary to the primary use of the site for mineral extraction and demonstrate that any additional environmental impacts are minimised. To help mitigate climate change impacts from on-site processing activities, consideration should always be given to how emissions can be minimised through local renewable energy generation with battery storage or grid connection for the running of such equipment.

4.96 The continued use of ancillary mineral related development as a permanent land use following the exhaustion of the mineral reserve at a mineral site will normally be resisted as it would result in new freestanding industry in the open countryside. This is because such development would be dependent upon the import

of raw materials which would require significant vehicle movements, result in additional environmental impacts from for example, noise and visual intrusion from plant and impede site restoration. Accordingly, any planning permission for ancillary mineral related development will also be time limited to expire on the cessation of mineral working from the associated site.

4.97 Due to their industrial nature, ancillary mineral related development such as ready-mix concrete plants, concrete product plants and asphalt plants are also types of developments which have the potential to be able to be satisfactorily located as permanent development on suitable employment land. Such locations would benefit from being well located in relation to the main centres of demand for the processed or manufactured products and the lorry route network for onward transportation. However, due to the close proximity of other uses and potentially nearby residential areas their acceptability will depend upon proposals not resulting in an unacceptable adverse impact on the environment, human health, or the amenity of local communities, or other businesses located on the employment land.

4.98 Within the County there are a small number of mineral sites where substantial industrial style buildings have been located in the past to enable the processing or manufacture of products including those that can be obtained from industrial limestone and brickmaking raw materials. Similarly, any proposal for the resumption of vein mineral extraction on a commercial scale could also result in substantial 'industrial style' buildings. Proposals for any new such buildings will be considered carefully as an integral part of any new planning application for the working of the mineral resource under consideration.

Policy M11 - Periodic Review of Mineral Planning Permissions

Through the periodic review of existing minerals planning permissions and the process of considering new schemes for modern working and restoration conditions on dormant mineral sites, the Council will seek to agree new schemes of conditions with mineral operators to modern standards to ensure that:

1. **Sites work to continuously high working and environmental standards; and**
2. **There will be no unacceptable adverse impact on the environment, human health, or the amenity of local communities.**

That restoration schemes will be agreed in accordance with the requirements of Policy MW20 (Mineral Site Restoration, Landfill and Landraise), or if this is not practicable, other appropriate restoration schemes will be agreed.

4.99 County Durham has many active[34] mineral sites as well as many dormant mineral sites. No minerals development may lawfully be carried out at dormant sites

[34] Details of the active and dormant sites in County Durham are set out in the Minerals Technical Paper which can be downloaded here: https://durhamcc-consult.objective.co.uk/kse/folder/52317

until a new scheme of conditions has been submitted to, and approved by, the Council[35].

4.100 The Environment Act 1995 introduced significant new requirements for an initial review and updating of mineral planning permissions granted between 1948 and 1982, and the periodic review of all extant mineral permissions at 15-year intervals. As amended by the Growth and Infrastructure Act 2013[36] the Council now has a broad discretion as to whether to subject a site to a periodic review and as to its timing. However, any periodic review must still be no earlier than 15 years after planning permission is granted or, in the case of an old mineral planning permission, 15 years from the date of the initial review. Any further reviews should be at least 15 years after the date of the last review.

4.101 The PPG advises that Council's should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions and which the operator has been made aware of and has not been able to address. The review process takes the form of a submission of a new and updated scheme of conditions, usually incorporating a reviewed scheme of working, restoration, and aftercare, as appropriate. In some instances, an application may also be subject to an Environmental Impact Assessment. The determination will have the effect of imposing new conditions for the future working of an existing minerals development for which planning permission has already been granted.

4.102 The Council will give at least twelve months advance notice to land and mineral owners of the date by which an application for the approval of new conditions must be submitted. If no submission is received by the date stated, the mineral permission ceases to have effect, although restoration and aftercare conditions will still apply. Subject to certain legal provisions, the process is conducted in a similar way to the processing of a planning application.

4.103 Through the periodic review process the Council will seek to determine applications in accordance with relevant County Durham Plan and relevant M&WDPD policies. The Environment Act 1995 provides for authorities to determine conditions different from those submitted by an operator, provided that these do not restrict working rights to extant permissions that would unreasonably prejudice the economic viability or asset value of the site, when compensation would be payable.

4.104 In order to accord and be consistent with the NPPF, Policy MW20 has been prepared. This policy seeks to ensure that all land used for mineral extraction is restored to a high standard at the earliest opportunity, through progressive and phased restoration with aftercare and wherever possible to a positive after use which provides enhancements to the environment or benefits to the local community. The Council will seek to where practicable to agree new schemes of conditions for restoration in accordance with this policy. However, it is recognised that there may be a difference between what may be achievable in terms of the high quality restoration which should always be secured on new planning permissions where

[35] Although it is now expected that most of the dormant permission in County Durham will now never be worked again as twenty-five years have now passed since these sites were first registered.
[36] Section 10 and Schedule 3 of the Growth and Infrastructure Act 2013.

minerals have never been worked and some older historic planning permissions where new schemes of modern working and restoration have yet to be agreed or are pending their Periodic Review.

4.105 The Council when considering these older historic planning permissions will consider all relevant material considerations when applying the provisions of Policy MW20 to ensure that the most appropriate restoration scheme can be agreed which is practicable in the circumstances of the existing permission. In particular, the Council will consider the location of the site, the nature and extent of the existing working, the length of time that minerals extraction has taken place at the site, the land quality and proposed after use, and the availability of suitable restoration materials.

Chapter 5 – Oil and Gas

5.1 Conventional oil and gas is naturally located in geological strata such as sandstone or limestone, while unconventional oil and gas is naturally located in geological strata such as shale or coal seams which act as the reservoirs. Unconventional oil and gas include a range of technologies and processes some of which are relatively new or uncommon in a United Kingdom such as Shale Gas[37] extraction ('hydraulic fracturing'[38] or 'fracking'), Coalbed Methane (CBM)[39], Coal Mine Methane (CMM)[40], Abandoned Mine Methane (AMM)), and Underground Coal Gasification (UCG)[41].

5.2 Most conventional and unconventional oil and gas operations are the subject of a licensing system operated by the Department for Business, Energy, and Industrial Strategy (BEIS). Petroleum Exploration and Development Licences (PEDL) are periodically issued by BEIS through licensing rounds which grant time limited exclusivity to operators in the licence area. Similarly, Underground Coal Gasification (UCG) operations are the subject of a licencing system by the Coal Authority. All oil and gas developments are also controlled by other regulatory regimes as well as the planning system, including those overseen by the Environment Agency and the Health and Safety Executive, and proposals will also have to meet the requirements of these regulators.

5.3 The Government's Energy White Paper[42] recognised that transforming the oil and gas sector will be required in order to deliver its climate change commitments and net zero emissions targets by 2050. The UK Government also announced in November 2019 that it would take a presumption against issuing any further Hydraulic Fracturing Consents in England and this was reconfirmed in October 2022.

[37] Shale gas is methane found in deep rocks below the earth's surface which had previously been considered too impermeable to allow economic recovery.

[38] Hydraulic fracturing is the process of opening and/or extending existing narrow fissures in gas or oil-bearing rock to allow gas or oil to flow into wellbores to be captured. During hydraulic fracturing, a mixture of water, sand and possibly some chemical additives is pumped under pressure down a borehole into the rock unit. The sand is used to prop the fractures open to increase gas extraction. The borehole is lined with a steel casing and cement and a "perforating gun" is used to create perforations to allow the hydraulic fracturing fluid to be injected into the rock. The system is designed to be a closed loop, so that when the high pressure is removed, the hydraulic fracturing fluid returns to the surface for treatment and storage. The flowback water also may contain salts and other dissolved minerals from the shale rock formation. Estimates vary on what percentage of the hydraulic fracturing fluid returns to the surface: from 25-75%. This wide range is explained by differences in the properties of the shale and the approach to the fracking. Only substances that have been assessed as being non-hazardous pollutants under the Groundwater Directive may be used in hydraulic fracturing fluids.

[39] Coal-bed methane (CBM): A form of natural gas extracted from unworked coal seams. Potentially it can be contemplated at depths of 200 metres to 1500 metres. It can be extracted by drilling vertically into a coal seam and fracturing the coal, making use of pre-existing fracturing patterns by means of water pressure. Alternatively, directional drilling along a coal seam can remove the need for fracturing.

[40] Coal mine methane (CMM) is the term given to the gas trapped in coal seams.

[41] Underground Coal Gasification is a process which involves the controlled combustion of coal seams beneath the ground and the recovery of resulting gases. Potentially it can be contemplated if previously un-mined coal is accessed at depths of between about 600 metres and 1200 metres below the ground surface.

[42] HM Government (December 2020) The Energy White Paper - Powering our Net Zero Future.

In April 2022, the UK Government published its British Energy Security Strategy[43] which announced the 2050 ambition of a net zero compatible oil and gas sector supplying the UK economy. More recently, in September 2022 the UK Government published an Energy Update Statement[44] which announced amongst other matters the scaling up of renewables, nuclear, and lower carbon energy sources, to boost Britain's energy security in the long term. We will continue to monitor changes to guidance at a national level and keep the M&WDPD up to date wherever possible.

5.4 The NPPF does require mineral planning authorities to plan positively for~~,~~ the three phases of oil and gas development (exploration, appraisal, and production), whilst ensuring appropriate monitoring and site restoration is provided for. While it is not known whether commercial exploitable supplies of oil and gas exist in County Durham, were any such proposals to occur in County Durham this policy will provide the framework for considering any such applications. It is considered prudent to include such a policy given the uncertainties regarding prospects and is consistent with the policy approach that has been taken in previous plans prepared by the Council.

Current Prospects for Oil and Gas within County Durham

5.5 County Durham does not have a history of any form of conventional or unconventional oil or gas exploration or production. There are currently no PEDLs within County Durham although the British Geological Survey have indicated there may be prospects within County Durham and the Tees Valley.

5.6 In terms of unconventional oil and gas, it is currently considered that there are no prospects for Coal Mine Methane production from County Durham due to the past closure of all deep coal mines in County Durham. It is also considered that the prospect for Abandoned Mine Methane is poor, due to the low methane content of seams in the Durham Coalfield combined with the intensive past deep mining of coal throughout the Durham Coalfield. Similarly, the potential for future Coal Bed Methane working utilising coal seams at depths of 200 metres to 1500 metres has yet to be investigated but may also be limited if the methane content of deeper coal seams in County Durham is also low.

5.7 It is considered that there may be the potential for Underground Coal Gasification (UCG) and the Coal Authority have issued several licenses off the North East Coast including two off the Durham Coast in August 2014. It is understood that all these licenses have now lapsed. Should interest ever resume it is expected that such operations may be undertaken using former North Sea Oil drilling rigs. Such a proposal could result in proposals for onshore infrastructure although this would be affected by the protection afforded to much of the Durham Coast through a combination of the European and National nature conservation designations and its Heritage Coast status.

[43] HM Government (April 2022) British Energy Security Strategy - Secure, clean, and affordable British energy for the long term.
[44] Department for Business, Energy & Industrial Strategy, Energy Update Statement, UIN HCWS295, September 2022.

5.8 The North East and County Durham may contain geological strata which could be of interest for the exploration of shale gas. A study published by DECC in 2010 indicated that the Namurian Millstone Grit Outcrop is a potential area of interest. Within West Durham the majority of the Namurian Millstone Grit Outcrop is found within the North Pennines Area of Outstanding Natural Beauty (AONB) and large areas of this outcrop are also overlain by internationally and nationally designated nature conservation sites. Given the findings of the studies which have been undertaken to date and the results of the last Oil and Gas licensing round, commercial interest in the recent past is elsewhere in the United Kingdom. It is therefore not known whether a commercial resource exists in County Durham.

Policy M12 - Oil and Gas Exploration, Appraisal and Production

Planning applications for the exploration, appraisal and production of oil and gas will only be permitted where it can be demonstrated that there will be no unacceptable adverse impacts on the environment, human health or upon the amenity of local communities. Planning applications at each stage must provide for restoration and aftercare, which includes well decommissioning, to a high standard at the earliest opportunity should be agreed in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise) and provided that:

1. **Drilling rigs, well sites and all other associated facilities and infrastructure associated with exploration and appraisal are sited in the least sensitive location from which the target reservoir can be accessed;**
2. **Exploration and appraisal operations are for an agreed temporary period; and**
3. **Proposals to produce conventional and unconventional oil and gas including well sites and facilities, and other related ancillary development and infrastructure will be permitted in accordance with an overall agreed scheme and where the following criteria apply:**
    a. **A full exploration and appraisal programme for the oil and gas field has been completed and an acceptable scheme for the full development of the oil or gas field is agreed;**
    b. **Extraction, processing, and transport facilities are located and operated to minimise both unacceptable environmental and amenity impacts and provide any necessary mitigation and enhancements. Proposals will also need to demonstrate that they minimise emissions as far as possible and include measures to offset any residual emissions;**
    c. **Existing permitted facilities and infrastructure are used for the development of any additional fields discovered unless it is demonstrated that this would not be technically feasible, and any unacceptable adverse impacts can be mitigated; and**

All relevant matters will be secured through planning conditions and where necessary planning obligations or other legal agreements.

5.9 The exploration and appraisal phases of oil and gas development are carried out to establish the presence, extent and characteristics of the oil and gas reservoir

and the economic viability of extraction. The production phase normally involves the drilling of several wells. Associated equipment such as pipelines and processing facilities are also likely to be required. All extraction and processing facilities should be located to minimise adverse effects on the environment, health, and the amenity of County Durham's local communities.

5.10 All oil and gas exploration, appraisal and production sites must be fully restored with a beneficial after use in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise). All Planning applications for oil and gas wells should include a decommissioning strategy through which it should be demonstrated that there will be no unplanned escape of fluids and ensure the dismantling and removal of all facilities and equipment including areas of hard standing and access roads. This should be submitted for approval, prior to any activities beginning. This should detail the proposed schedule and methods of decommissioning activities, along with time scales, as well as anticipated impacts on the environment and amenity, including through transportation and the mitigation proposed.

5.11 As a Climate Emergency has been declared in County Durham applicants should also sufficiently demonstrate the steps that will be taken to minimise greenhouse gas emissions as far as possible from the proposed development and where there are residual emissions, what measures will be implemented to offset these. This should be set out in a Carbon Emissions Management Scheme which should consider measures like local renewable energy generation and grid connection, carbon capture including the purchase of voluntary carbon (offset) credits where needed, and the use of sustainable forms of transport including the use of low or zero emission vehicles in accordance with Policy MW7 (Traffic and Transport) and pipelines to transport any oil or gas from the production wells in accordance with Policy M13 (Transport of Oil and Gas). The Carbon Emissions Management Scheme should be supported by an assessment of greenhouse gas emissions in accordance with policy MW1 (General criteria for considering minerals and waste development.

5.12 Should any future planning application be granted planning permission, where necessary, planning conditions will be attached to any permission to ensure that environmental and amenity interests are always protected. Such conditions will address a range of matters including the disposal of unwanted gas and flaring of gas, the routing of vehicles leaving the site, noise emissions and pollution control measures. Detailed guidance on the planning application process, including a summary of the key regulators for hydrocarbon extraction and issues that are covered by other regulatory regimes is provided in the PPG. In determining planning applications, the Council will always take fully into account the advice of the other key regulatory bodies.

5.13 Community engagement is a crucial issue regarding oil and gas extraction. In line with the Council’s SCI, a potential applicant must always fully engage with the local community prior to the submission of any planning application and the planning application should explain how the operator will engage with the Council and local community during the operational life of the site.

Policy M13 - Transport of Oil and Gas

Oil and gas should normally be transported from production wells by pipeline. Proposals for oil and gas pipelines will be permitted provided that it can be demonstrated that:

1. **The number of pipelines represent the minimum necessary to safely serve the oil and gas field;**
2. **The routeing of the pipeline or pipelines minimises adverse impacts through its route, its construction and operational and decommissioning phases and any land taken is restored to a high standard at the earliest opportunity once the pipeline is not required or as part of the decommissioning of the oil field if earlier;**
3. **The routeing of the pipeline provides adequate stand-off distances from local communities; and**
4. **There will be no unacceptable adverse impacts on the environment, human health, or the amenity of local communities.**

If the transport of oil and gas by pipeline is not possible, the feasibility of rail transport for either all or part of its transportation should be considered. However, where transportation by road is required including for any plant, equipment, materials, and waste resulting from the development, planning permission will only be granted where it can be demonstrated that proposals comply with Policy MW7 (Traffic and Transport).

5.14 Should commercially exploitable supplies of oil and gas be found in County Durham and if the agreed scheme of production is likely to span a number of years and involve a substantial number of production wells, opportunities should be explored to minimise traffic on the highway network by transporting oil and gas using specially constructed pipelines. However, in drawing up proposals for new pipeline routes, operators should seek to avoid environmentally sensitive locations and consider and minimise to acceptable levels any potential impacts resulting from construction of any pipeline route on the environment, human health, or the amenity of local communities.

5.15 Pipelines of less than 10 miles require planning permission from the Council, those of 10 miles or over require authorisation from the Secretary of State under the Pipelines Act 1962. On this basis, proposals for pipelines less than 10 miles will be determined in accordance with the relevant policies of the County Durham Plan and the M&WDPD. Once constructed, pipelines will place some restrictions on nearby new development which must be observed with suitable stand-offs. In instances where the transport of oil and gas by pipeline is not feasible economically or environmentally, the feasibility of rail transport for either all or part of its transportation should also be considered. Where the extraction of oil and gas would be either partially or fully dependent on access by road transport, they must comply with Policy MW7 (Traffic and Transport).

5.16 Planning applications for pipelines should include sufficient environmental information to enable the Council to understand the applicants reasoning for the proposed route of the pipeline, what alternative routes were considered and the environmental impacts of the proposed route and its construction, including where

necessary its eventual decommissioning and removal, together with any mitigation measures to minimise harm to acceptable levels.

5.17 An Environmental Impact Assessment may be required if the pipeline is proposed to be located in an environmentally sensitive area or if it is likely to have significant effects on the environment. While it is recognised that any proposed pipeline would need to serve the proposed field, it will also need to avoid unacceptable harm to the environment, the amenity of local communities and should be constructed to provide suitable safe stand-off distances from local communities including all allocations within the County Durham Plan. Pipelines should normally be accommodated below ground to minimise visual and landscape impacts. However, it is recognised that this may not always be practicable, for example, where pipelines need to cross rivers and may need to be routed through areas with known or suspected areas of archaeological potential. In addition, there may also be a range of other factors which can impact on the routing of pipelines including land ownership, economic considerations, and environmental constraints. Environmental and amenity impacts associated with pipeline construction should be minimised to acceptable levels. Following construction, the landform and the former land use of the pipeline should be restored to a condition at least commensurate with its condition prior to its construction. Similarly, where temporary pipelines are proposed, pipelines will be required to be decommissioned, removed and the land restored with a suitable after use. Restoration, after use and aftercare schemes, including all decommissioning activities, will be agreed in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise). Environmental enhancements will be sought whenever possible.

Chapter 6 - Other Minerals

6.1 This chapter addresses several types of economically important mineral resources which have been safeguarded in the County Durham Plan including the vein minerals, Fluorspar and Barytes and Silica Sand all of which are known to be present in County Durham and have been worked in the recent past but are not currently worked today. It also addresses metalliferous minerals principally Zinc which has not been worked within the North Pennines for many years but has been subject to continued commercial interest over the past twenty-five years and Lithium which is now currently subject to interest for exploration in several locations within the United Kingdom, including both Cornwall and County Durham.

6.2 The chapter does not seek to specifically address lead or iron ores which were the main minerals produced (with a by-product of silver) in the North Pennines in the mid to late 19th century. The mining of these minerals ended in the 1930s and as such it is considered highly unlikely that there would be any commercial interest in any residual deposits which remain unless they were worked in combination with other minerals. This chapter does not address ganister which has also been extensively worked for the manufacture of silica refractories which has now ceased in Britain and given that this resource is now only worked for building stone. Similarly, this chapter does not address rare earth elements as it is not considered necessary to do so following a review of a British Geological Survey research which whilst reporting upon historical work in the North Pennine Orefield concluded that rare earth element values were sub-economic. Should future exploration activities conclude that there are accessible resources of any of these minerals which are of current or potential economic importance, they will be considered in a review of the County Durham Plan or the Minerals and Waste Policies and Allocations Document.

6.3 This chapter also addresses peat where the NPPF is explicit in the approach that should be taken. For each of the specific mineral resources which are addressed, a high-level overview of the mineral resource, which is present within the County, including where available the history of previous extraction or exploration activities is provided. The chapter explains that these mineral resources (except for some peat) all occur within West Durham which is recognised to be the most environmentally sensitive part of County Durham. West Durham also has limited road infrastructure, principally along the main river valleys into the North Pennines, although the Weardale Railway line could provide access as far as Eastgate should it be reopened. Should proposals for extraction occur in the future, the impact of any future working on the environment and the amenity of local communities will be key consideration in determining such proposals.

Policy M14 - Vein Minerals, Metalliferous minerals, Lithium and Silica Sand

Proposals for the extraction of vein minerals, metalliferous minerals, lithium, and silica sand in appropriate locations which do not result in unacceptable adverse impacts on the environment, human health or upon the amenity of local communities will be permitted in accordance with Policy MW1 (General Criteria for considering minerals and waste development) and other relevant Minerals and Waste Policies and Allocation document and County Durham Plan policies. Given the location of these mineral resources, particular regard will be given to the consideration and acceptability of impacts upon protected landscapes, internationally, nationally, and locally protected sites and protected species, conservation areas and other heritage assets and adverse impacts on tourism and upon amenity. Proposals for mineral exploration associated with these minerals which are not classed as permitted development under the General Permitted Development Order will be determined in accordance with Policy M2 (Mineral Exploration).

1. **In determining planning applications for such proposals, the Council will carefully consider whether the proposal provides for the extraction of a steady and adequate supply of industrial or other minerals which are essential to help maintain national supply and/or meet net zero carbon ambitions. Great weight in the planning balance will be given to the benefits of their extraction in accordance with Policy M3 (Benefits of Mineral Extraction) and significant weight will be given to proposals which provide the feedstock for downstream industries which support economic growth and provide local employment.**

Lithium

2. **Given the complex geological and hydrogeological locations associated with Lithium extraction which is a novel form of mineral extraction a phased risk-based approach will be required. Proposals to produce lithium including well sites, site infrastructure and ancillary development will be permitted in accordance with an overall agreed scheme and where the following criteria apply:**
    a. **A full exploration and appraisal programme has been completed and an acceptable scheme is agreed.**
    b. **Well sites, site infrastructure and ancillary development are located and operated to minimise both unacceptable environmental and amenity impacts and provide any necessary mitigation and enhancements.**
    c. **That the planning application is accompanied by a scheme of restoration. after use and aftercare in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise) which provides for the decommissioning of well sites and infrastructure and the removal of all site infrastructure and ancillary development.**

All relevant matters will be secured through planning conditions and where necessary planning obligations or other legal agreements.

Vein Minerals

6.4 County Durham contains a major part of the North Pennine Orefield which also extends into the adjoining counties of Northumberland, Cumbria, and North Yorkshire. Historically the area has been important for the mining of the industrial mineral's fluorspar and barytes and historically for a range of metal ores including lead with associated by-products silver and zinc. Metal mining in the North Pennines, which peaked in the 19th Century, largely ended in the 1930s although several dormant permissions remain.

6.5 Fluorspar is a vein mineral and is found within the central zone of the Northern Pennine ore field. The main fluorspar bearing veins are centred around upper Weardale and its tributary, the Rookhope Valley. Fluorspar consists of fluorite together with variable amounts of associated minerals. Fluorite is composed almost entirely of calcium fluoride and is the only significant source of the element fluorine. Fluorspar has a wide variety of uses. It is mainly used as a flux in the iron and steel industry, and in the chemical industry to manufacture hydrofluoric acid which is then used in the manufacturing of various fluorocarbon chemicals that are used in products such as refrigerants, foam-blowing agents, and solvents, and in the production of high-performance plastics. Fluorspar is also used directly or indirectly to manufacture products such as aluminium, gasoline, insulating foams, refrigerants, steel, and uranium fuel.

6.6 The British Geological Survey Fluorspar Mineral Planning Fact Sheet (March 2010) reported that remaining permitted reserves of fluorspar reside in a small number of planning permissions for open-pit and underground extraction within the Peak District National Park. Information on the production of Fluorspar in the UK is limited. The United Kingdom Minerals Yearbook reported that in 2019 12,000 tonnes of Fluorspar were produced. Growth in new markets has led to the inclusion of Fluorspar by the EU on its fourth list of critical minerals in 2020.

6.7 County Durham's last active fluorspar mine, Frazers Grove mine in Weardale, closed in 1999. While several dormant permissions remain including the blanket consent (Lead Ore, Zinc Ore & Fluorspar) in upper Weardale, for many years there has been no further interest in working this mineral. However, it is now expected that exploration activities may now occur during the plan period. Whether commercially viable accessible resources remain is unknown. The British Geological Survey has advised that underground mining has removed the most accessible deeper reserves and that future fluorspar mining depends upon identifying and accessing downward extensions of major orebodies and on locating new orebodies in poorly expressed ground on lateral extremities of major vein structures.

6.8 Barytes is a vein mineral which occurs on the outer margins of the North Pennine ore field. The main barytes vein being centred in Lunedale. Barytes is used in chemical applications, the nuclear industry, in coal working and in oil and gas well drillings.

6.9 The British Geological Survey Barytes Mineral Planning Fact Sheet (January 2006) reported that for many years Barytes was produced from a number of sites in both England and Scotland. However, following the closure of two open pit Barytes

workings in the Northern Pennines Orefield, at Close House, Lunedale in County Durham and Silverband in Cumbria in 2002, production in England is now confined to the Southern Pennine Orefield in the Peak District where it is produced by British Fluorspar as a by-product of Fluorspar processing at Cavendish Mill, near Stoney Middleton and in Scotland where it has been extracted by M-I Swaco as the sole mineral from the Foss Mine near Aberfeldy. The United Kingdom Minerals Yearbook reported that in 2019 an estimated 50,000 tonnes of Barytes were produced. Growth in new markets has led to the inclusion of Barytes by the EU on its fourth list of critical minerals in 2020.

6.10 A Preferred Area for further Barytes working was allocated in the County Durham Minerals Local Plan (December 2000) adjacent to Close House Mine in Lunedale, however, following the closure of Close House Mine in County Durham in 2002, no additional interest has been expressed by any operator in any further commercial working in County Durham.

6.11 Zinc is no longer worked in the North Pennines. The last mine which was worked solely for lead and zinc closed in 1968 in Cumbria. Nonetheless, over the last thirty years there has been continued commercial interest within the North Pennines Orefield, including during 2012 to 2015 around the Nenthead area. The most recent exploration programme identified significant mineralisation within the Great Limestone which had not been previously recognized and further exploration is understood to be planned. However, no development proposals have yet been discussed with the Council. Should proposals eventually come forward for consideration, any surface development associated with such extraction may be in Durham or in adjoining areas of Northumberland or Cumbria.

Lithium

6.12 Lithium is a key rare material earth metal. Its physical and chemical properties make it useful in many chemical and metallurgical applications, for example lubricating greases, ceramics and glass, aluminium production, and batteries. In the UK lithium is primarily used in the manufacture of lithium-ion batteries. UK Lithium demand is forecast to grow to 75,000 tonnes per annum by 2035 given the development and increasing use of electric vehicles and batteries for power storage: technologies that are widely expected to revolutionise transportation and power distribution in coming decades. Growth in its use has led to Lithium being identified previously by the UK as a strategic metal. It was identified by the European Union (EU) on its fourth list of critical raw materials in 2020 and by the UK as a critical mineral in 2022. A secure and sustainable domestic source of Lithium is considered vital to the industrial strategy of the UK as it moves towards a net zero carbon future by 2035.

6.13 Despite being an abundant element in the earth’s crust there are few deposits globally where the lithium concentration is sufficient to make economic extraction a possibility. It does not naturally occur as an ore but is instead usually found in ionic minerals such as petalite, lepidolite and spodumene within pegmatite rocks or in solution in hot saline brines.

6.14 To date there has only been limited evaluation of the lithium potential in the UK. Since 2017 two exploration companies, Cornish Lithium Ltd and British Lithium Limited, have started exploring for lithium in South West England and Northern Lithium have started exploring for Lithium in Weardale. It is understood that the Weardale Granite which lies deep below the North Pennines does contain lithium within the groundwater (in hot saline brines) in economically viable quantities. The production process which is in its early stages of development would involve the drilling of deep boreholes, the pumping of the groundwater via a lined extraction well, its subsequent treatment of the groundwater in a processing plant using advanced filtration or ion-exchange processes technologies to selectively remove lithium compounds prior to the lithium depleted groundwaters being returned to the granite via a lined reinjection well. Once boreholes are drilled it is expected that the surface development could then be accommodated in a building the size of an agricultural barn.

Silica Sand

6.15 Silica sand is an industrial mineral which is identified by the NPPF to be of local and national importance, and which can, depending on its properties serve a variety of end uses in manufacturing and industry. Unlike construction sands, which are used for their physical properties alone, silica sands are valued for a combination of their physical and chemical properties. These include a high silica sand content and low levels of impurities. For most applications, silica sands have to conform to very closely defined specifications. In the UK silica sands are essential raw materials for glass making and specialist horticultural applications.

6.16 The resource in County Durham consists of deeply weathered sandstones within the Millstone Grit. In the past this resource has been worked for use as naturally bonded foundry sands. Such sands were formerly of importance to the early development of the foundry castings industry. In recent years there has only been one active silica sand quarry in County Durham, this being Weatherhill Quarry, north of Stanhope. This sand was used to optimise the chemistry of the feed for the manufacture of cement at Eastgate. However, Eastgate Cement Works closed in 2002 and since that date production of this sand declined significantly and then ceased upon Weatherhill Quarry's closure in 2011. Due to limited information, it is not known whether this silica sand resource meets current industry specifications.

Planning Response

6.17 The NPPF states that when preparing local plans, local planning authorities should identify and include policies for the extraction of mineral resources of local and national importance. While only fluorspar and silica sand are explicitly listed in the NPPF all the minerals addressed by this chapter are potentially of local or national importance and as explained Lithium has been identified as a strategic metal by the UK. Lithium, Barytes and Fluorspar have also been identified as critical minerals by the EU. Following further work by the UK Government these minerals may receive similar recognition. Whilst there are uncertainties, given that these mineral resources all naturally occur in County Durham, the potential for proposals for extraction to come forward cannot be discounted over the plan period.

6.18 The NPPF also requires that local planning authorities make provision for a steady and adequate supply of industrial minerals. Through previous work on the County Durham Plan, the Council has sought to comply with this requirement for the minerals which are currently worked within the County. In terms of the minerals addressed by this chapter, the Council has also safeguarded all known major fluorspar and baryte mineral veins and dormant permissions associated with these minerals following previous representations from the Peak District National Park Authority. In addition, the Council has also safeguarded the entirety of the silica sand resource in the County.

6.19 The PPG provides specific advice on how local planning authorities should plan for industrial minerals. Due to the significant uncertainties relating to each of the minerals addressed by this chapter it has not been possible to plan for future supply through identifying specific sites, preferred areas of areas of search.

6.20 Currently the need for several of the minerals addressed by this chapter are either being met elsewhere in the country or are not yet being met at all in the United Kingdom. In such instances it is not possible therefore to comply fully with the requirements of the NPPF and PPG. There is also currently no national demand forecast for any of the minerals addressed by this chapter.

6.21 In terms of silica sand, whilst the NPPF does require a 10-year landbank of permitted reserves of silica sand to be identified, in the absence of any existing plant utilising the silica sand resource from County Durham, it is also not possible to comply with this requirement. Should a proposal occur for the working of the silica sand resource from County Durham to provide the feedstock for an industrial or manufacturing use in County Durham or another mineral planning authority's area, the Council would seek to facilitate at least a minimum 10-year landbank or a 15-year landbank where significant new investment is required.

6.22 In contrast to silica sand, whilst being industrial minerals, there is no NPPF requirement to maintain a stock of permitted reserves of either Barytes or Fluorspar or Lithium. Given the potential role of certain minerals in considering planning applications for such proposals, the Council will carefully consider whether the proposal is required to provide for the extraction of a steady and adequate supply of industrial or other minerals which are essential to help maintain national supply and/or meet net zero carbon ambitions and whether the proposal is required for the purposes for which their specific qualities are essential. In addition, we will also need to ensure that great weight will be given to the benefits of their extraction in accordance with Policy M3 (Benefits of Mineral Extraction).

6.23 The extraction of Lithium from hot saline brine groundwaters utilising lined boreholes represents a novel form of mineral extraction which has similar characteristics to conventional oil and gas extraction. Lithium exploration and appraisal activities within County Durham are at a relatively early phase.

6.24 Prior to a planning application for production, exploration and appraisal operations should be carried out to establish the presence, extent and characteristics of the resource and the economic viability of extraction. To date exploration operations have been undertaken following Prior Notification under Class K of Part

17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Experience has shown that the exploration and appraisal phase could involve the drilling of several boreholes for the testing of abstraction and the reinjection of groundwater, together with necessary site infrastructure including areas of hardstanding. Associated site infrastructure such as temporary pipelines and testing or processing facilities may also be required if such operations are conducted on site.

6.25 Given the complex geological and hydrogeological locations associated with exploration, appraisal and production, a phased risk-based approach will be required. This will require the applicant to submit sufficient information to enable the Council to be satisfied that unacceptable adverse impacts on both surface water and groundwater resources have not occurred through exploration and appraisal operations and will not occur through the extraction of hot saline brine groundwaters and their reinjection and any on site processing as part of the lithium production process. In accordance with the Council's planning validation requirements where appropriate, hydrological, and hydrogeological risk assessments will be required in support of planning applications.

6.26 Other than the initial boreholes and pilot plant to prove the extraction of Lithium through the exploration and appraisal stage of operations, proposals to produce lithium at a commercial scale, including well sites, site infrastructure and ancillary development will be permitted in accordance with an overall agreed scheme. It will be essential that all proposals for exploration, appraisal and production are located in the least environmentally sensitive locations and operated to minimise both unacceptable environmental and amenity impacts, provide any necessary mitigation and enhancements.

6.27 Given the early stages of lithium extraction in the County, it is considered that all proposals should also include a scheme of Restoration, After Use and Aftercare which addresses site decommissioning. The Decommissioning Strategy will need to demonstrate that there will be no unplanned escape of fluids from extraction and reinjection wells and ensure the dismantling and removal of all site infrastructure and equipment. The Council will therefore require a detailed strategy to be submitted for approval, prior to any activities beginning. This should detail the proposed schedule and methods of decommissioning activities, along with time scales, as well as anticipated impacts on the environment and local amenity. Proposals should also provide for restoration and aftercare once extractive operations have permanently ceased in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise).

6.28 Some of the mineral resources addressed by this chapter lie within West Durham which is recognised to be the most environmentally sensitive part of the County. Extraction of some of these mineral types would constitute major development within the area and would include surface development buildings for processing, other structures including drilling rigs, external processing facilities, liquid waste management or mineral waste disposal facilities and could require significant transport movements. Should any proposals for their exploration or working come forward such applications will need to be determined against all relevant polices of the County Durham Plan and the M&WDPD.

6.29 Given the high environmental sensitivity of parts of West Durham, proposals within or affecting the North Pennines AONB will need to be considered against County Durham Plan Policy 38 (North Pennines Area of Outstanding Natural Beauty) and taking into account the provisions of NPPF paragraphs 182 and 183 and where applicable the major development test. For proposals within or affecting internationally or nationally important nature conservation designations, the acceptability of working on these designations will also be a key consideration in determining the acceptability of proposals. There may also be a need for Appropriate Assessment under the Habitats Regulations as well as being considered against County Durham Plan Policy 42 (Internationally Designated Sites), County Durham Plan Policy 43 (Protected Species and Nationally and Locally Protected Sites) and County Durham Plan Policy 41 (Biodiversity and Geodiversity).

Policy M15 - Peat

In order protect peat habitats for their nature conservation value, water management role and their role as a carbon store, proposals for new peat extraction sites will not be permitted.

6.30 Within County Durham, deposits of peat occur in both blanket bogs and peat basins. The peat bogs occur in the uplands in the western parts of the County and the peat basins occupy hollow depressions in glacial drift or ice eroded bed rock and are found in isolated patches in the central and eastern parts of the County. The blanket bogs in County Durham are up to two metres thick, while basin peat may be locally much thicker. Many of the areas of blanket bogs lie within the North Pennines Area of Outstanding National Beauty or lie within Internationally important Special Protection Areas, Special Areas of Conservation, and nationally designated Sites of Special Scientific Interest.

6.31 It is understood that both the blanket bogs and basin peats in County Durham are commercially unattractive when compared with the raised bogs elsewhere in the country and there are no commercial peat extraction sites in County Durham. The NPPF is also clear that local plans should not identify new sites or extensions to existing sites for extraction. This is in line with wider Government policy, which seeks to protect peat habitats because of their nature conservation importance and their carbon storage role. In accordance with NPPF the approach of the M&WDPD is to not to permit any sites for peat extraction. Proposals for minerals and waste development which impact upon the peat resources of the County will need to be determined in accordance with other relevant policies including County Durham Plan Policy 41 (Biodiversity and Geodiversity).

Chapter 7 - Waste

7.1 This chapter provides policies to address the 'disposal'[45] of inert waste (inert construction, demolition, and excavation waste) and non-hazardous waste (which includes household, commercial and industrial waste) and elements of 'other recovery'. 'Other recovery' is where waste can serve a useful purpose by replacing other materials that would otherwise have been used. These policies will complement the strategic waste policies of the County Durham Plan.

7.2 For many years waste disposal by landfill has been by far the dominant form of waste management in County Durham. The National Waste Management Plan for England[46] states that landfill should usually be the last resort for waste, particularly biodegradable waste. It states that 'there are some wastes for which landfill remains the best, or least bad, option.' It states that the Government's 'Resources and Waste Strategy recognises there is an ongoing role for landfill in managing waste, particularly for inert waste that cannot be prevented, recovered, or recycled, but that its use should be minimised as much as possible. Such materials are likely to include:

- Some hazardous wastes such as asbestos;
- Certain process residues such as pre-treated industrial wastes from which no further resources can be recovered; and
- Waste for which the alternatives to landfill are not justified on cost or environmental and resource efficiency grounds.'

7.3 The National Waste Management Plan for England also states that the 'disposal of inert waste in or on land, i.e., landfill, remains a valid way of restoring quarries and worn-out mineral workings where this is a planning requirement'. Similarly, the 'Waste' PPG advises that, 'Some former mineral sites may also be restored as a landfill facility using suitable imported waste materials as an intermediate stage in restoration prior to an appropriate after use.[47]

7.4 While reliance on landfill for the disposal of non-hazardous waste has been significantly reduced over the last twenty years, significant volumes of inert waste which cannot be otherwise recycled continue to be disposed of across County Durham's three remaining inert landfill sites at Crime Rigg Quarry, Old Quarrington Quarry and at Bishop Middleham Quarry. Smaller quantities have also been used on a small number of landraise sites and for mineral and landfill site restoration. The County's remaining inert landfill sites are of more than local importance, managing not only County Durham's own waste but quantities of waste from surrounding areas. Over the last three years (2019 to 2021), approximately 1.9 million tonnes of inert waste was disposed to landfill in these three sites with a further 328,000 tonnes

[45] National Planning Policy for Waste (NPPW) is clear that disposal is the least desirable solution in the waste hierarchy it advises that adequate provision must still be made for waste disposal which also include the disposal of the residues from treated wastes.
[46] The Waste Management Plan for England (2021): https://www.gov.uk/government/publications/waste-management-plan-for-england-2021#:~:text=The%20Waste%20Management%20Plan%20for,together%20under%20one%20national%20plan.
[47] Planning Practice Guidance (Waste) Paragraph: 045 Reference ID: 27-045-20140306 Revision date: 15 04 2015.

at non-inert landfill sites. A sizeable proportion of this waste originated from outside of County Durham.

7.5 County Durham also has one remaining Non-Hazardous Landfill site (Aycliffe East Quarry Landfill) where non-hazardous waste and some hazardous waste is landfilled in a specifically engineered cell[54]. Over the last three years (2019 to 2021) approximately 262,000 tonnes of non-hazardous waste and approximately 5,000 tonnes of hazardous waste was disposed to landfill in this site. A large proportion of this non-hazardous waste is local authority collected waste from Darlington Borough together with quantities of commercial waste and smaller quantities of inert waste.

7.6 The following policies seek to set the policy context to enable the consideration of planning applications for inert waste 'other recovery', inert waste 'disposal' via landfill and non-hazardous waste landfill. Policy W19 (Water Resources - Landfill, Landraise and Inert Waste Other Recovery) has been specifically prepared to address groundwater, which is a key consideration in landfill.

7.7 Proposals for waste disposal via landfill or 'other recovery' will require an environmental permit. The Environment Agency have published detailed guidance for landfill operators on the requirements of the Landfill Directive and technical standards required to meet environmental protection and permit conditions[48].

Inert Waste

Policy W16 - Inert waste 'other recovery'

Proposals for the 'other recovery' of inert waste to land will be permitted where it can be demonstrated that:

1. **The inert waste which is to be used cannot be managed at a higher level of the waste hierarchy and is a substitute for other materials which would have otherwise needed to be used;**
2. **The objective of the proposal is land treatment which would result in a demonstrable benefit to agriculture or ecological improvement which is significant and not a secondary benefit of the disposal of waste and outweighs the harm, including that caused to local landscape character and topography, ecology or other valued characteristics or an engineering benefit which is genuinely needed for a specific purpose;**
3. **That the quantity of waste is the minimum that is required to deliver the intended benefit;**
4. **Alternative solutions which could deliver the identified benefit in a different way, which would not require the importation and use of waste have been considered and found not to be practicable; and**
5. **There will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities and proposals can meet the applicable requirements of Policy MW1 (General criteria for considering minerals and waste development), Policy W19 (Water Resources - Landfill,**

[48] Environment Agency guidance on the Landfill Directive and landfill can be accessed here: https://www.gov.uk/government/collections/environmental-permitting-landfill-sector-technical-guidance#landfill-overview-guidance

Landraise and Inert Waste Other Recovery) and Policy MW20 (Mineral Site Restoration, Landfill and Landraise).

Policy W17 - Inert Waste Disposal via landfill

Proposals to create new inert waste disposal capacity which would result in new or extended landfill sites will be permitted where it can be demonstrated that:

1. **The inert waste to be disposed cannot be managed at a higher level of the waste hierarchy and can meet the requirements of County Durham Plan Policy 47 (Sustainable Minerals and Waste Resource Management) and Policy 60 (Waste Management Provision);**
2. **The capacity is required to meet a need which could otherwise not be met at existing inert landfill sites or by an allocated inert landfill sites during the intended life of the site and would not prejudice the completion of existing inert landfill sites or the restoration of existing permitted mineral sites where inert material is required for site restoration or the commencement of allocated landfill sites;**
3. **The proposal minimises the effects of transporting waste including by locating as close to arisings as practical;**
4. **The proposal would not result in an over provision of capacity which could lead to unnecessary importation of inert waste from outside County Durham; and**
5. **There will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities and proposals can meet the applicable requirements of Policy MW1 (General criteria for considering minerals and waste development), Policy W19 (Water Resources - Landfill, Landraise and Inert Waste Other Recovery) and Policy MW20 (Mineral Site Restoration, Landfill and Landraise).**

Proposals to create new disposal capacity via landraise for inert waste will not be permitted unless it can be demonstrated that existing capacity at existing landfill sites is insufficient to manage the waste during the proposed operational life of the proposed landraise site and that there are significant benefits that outweighs any harm caused by the proposal.

7.8 The County Durham Plan stated that policies relating to the future ‘disposal’ and ‘other recovery’ of inert wastes would be included within the M&WDPD.

7.9 Inert waste materials arise from a range of sources including major engineering, infrastructure and development projects and the processing of construction and demolition materials. It is expected that over the Plan period to 2035, most of the inert waste that cannot be reused or recycled within County Durham will need to be managed primarily via ‘disposal’ by landfill at either existing or new inert landfill sites including through progressive disposal at mineral sites as an intermediate stage in restoration prior to an appropriate after use. In addition, some inert waste may also be able to be managed through ‘other recovery’ operations which could include the creation of restoration landforms at existing active mineral sites, or agricultural or ecological land improvement schemes or through civil

engineering operations. Some inert material will also be used at non-hazardous landfill sites as cover or final restoration material in accordance with current practice.

7.10 In considering all planning applications, the Council will carefully consider the requirements of the waste hierarchy and relevant policies of the County Durham Plan and will need to be satisfied that the waste to be used in the proposed 'disposal' or 'other recovery' operation cannot be managed at a higher level of the waste hierarchy. The Council will consider whether a proposal is a 'disposal' or 'other recovery' taking into account their definition in the EU Waste Framework Directive and the advice of the Environment Agency. Applicants should seek to provide evidence as to the nature of their proposed development i.e., whether it is a waste disposal or a waste recovery operation.

Inert Waste Other Recovery

7.11 For an application to be considered as 'other recovery' the applicant must demonstrate that they would be able to carry out the proposal in the same way using non-waste materials. They must demonstrate what the principal objective of the proposed operation are, for example is it to secure ecological or agricultural improvement or to dispose of the waste. In the case of ecological or agricultural improvement schemes, it is not considered sufficient for an applicant to demonstrate that the operation could make any benefit to ecological or agricultural improvement, the benefits must be significant. This is because the identified benefits may be a secondary benefit of disposing of the waste. Proposals for the use 'other recovery' as part mineral sites restoration will be considered carefully as such proposals may in fact be disposal operations.

7.12 In recent years there have been a number of proposals within the County to improve agricultural land quality using inert waste. Such proposals by virtue of the placement of quantities of inert material may result in an incongruous or non-naturalistic landform causing harm to the natural topography and local landscape character and its pre-existing landcover including trees, hedges, and other features of ecology all which have formed because of long-term natural processes. Such proposals may also result in an adverse impact on groundwater and surface water flow and drainage systems and flooding and local water quality. Such proposals would also require inert material which can usually be more readily recycled. They could also result in the diversion of soils and clays from other sites which may need these materials to achieve approved landforms and after uses and may impede and delay their timely and proper restoration.

7.13 In instances where it is proposed to use inert waste to improve agricultural land quality, or to use waste for ecological improvement, an applicant should provide sufficient information to clearly explain why the site now requires improvement and is incapable of now being satisfactorily used for either the existing or another alternative use. Where an agricultural improvement scheme is being proposed, an Agricultural Land Statement will be required and when an ecological improvement scheme is proposed, ecological evidence will be required. The applicant will need to demonstrate that the proposal would provide a significant benefit to agriculture or ecological improvement which is greater than the previous land use and not a secondary benefit of the disposal of waste. Resulting benefits must also outweigh

harm. Proposals should not have unacceptable adverse impacts including those on local topography and landscape character, trees and hedges, biodiversity, surface and groundwater flows and flood risk within or outside the site.

7.14 In all instances, it will be necessary for the applicant to demonstrate that the same benefit cannot be achieved in another way and the amount of material which is proposed to be used for the operation must be the minimum amount required.

Inert Waste Disposal via Landfill

7.15 In accordance with the requirements of the National Planning Policy for Waste, the Council as Waste Planning Authority will seek to ensure that adequate provision is made for waste disposal. In order to help meet future need, a number of new site allocations for waste disposal are identified in Chapter 9 of the M&WDPD. For a proposal for a new non-allocated inert waste landfill disposal site to be acceptable in principle, it is essential that there is an established need for further waste disposal capacity to be provided, which cannot be met at existing or allocated inert landfill sites or at other sites which require inert material for site restoration or approved operations. In determining planning applications, decisions will be taken based on the most up to date waste capacity gap, together with the most recent available information on remaining inert landfill capacity at existing sites and the capacity provided by allocated sites. The Council will also consider the scale of past inert disposal operations and the permitted capacity of existing sites to accommodate inert waste.

7.16 County Durham's existing inert landfill sites currently have a significant annual permitted disposal capacity. However, it is recognised that annual permitted disposal capacity will reduce over time as sites close, reach capacity and are restored, or if planning permissions ends, prior to capacity being exhausted and site planning permissions are not extended. To ensure that remaining capacity within existing sites remain available, extensions of time may be needed in certain circumstances. Should such proposals arise, they will be looked upon favourably where the proposal is acceptable in all other respects considering all relevant policies.

7.17 While contributing to meeting the forecast need, it will also be essential that the timing of any new proposal would not result in the creation of new capacity, at least in the short term, as this could lead to an over provision and lead to an excess of capacity which could lead to the unnecessary importation of inert waste from outside County Durham. This would be contrary to the proximity principle and could result in unnecessary adverse environmental and amenity impacts.

7.18 To meet the established need for further disposal capacity towards the end of the Plan period it is considered new capacity may be able to be provided at sites operating as existing landfill sites where there is scope to do so, provided that impacts were found to be acceptable. Similarly, new capacity may be able to be provided at suitable existing mineral sites where the existing landform created by mineral extraction could accommodate the waste and could help create a more suitable landform, more in keeping with the surrounding local landscape character, and help address site specific issues which cannot be satisfactorily resolved through alternative solutions which would not require the import of inert waste.

7.19 Not all mineral sites may either require or be suitable to accommodate disposal operations as such proposals could conflict with carefully conceived approved restoration schemes. Such proposals in themselves could also result in unacceptable adverse environmental and amenity impacts, and they would extend the duration of disturbance to the local environment or local communities. Proposals would also need to be acceptable in traffic and transportation terms and well related to where the waste arises. Although, new waste disposal operations at existing mineral sites could potentially help minimise traffic impacts, if waste can be backhauled to the site using existing heavy good vehicles which serve the site, thereby helping to minimise vehicle movements.

7.20 In contrast to landfill, proposals for disposal via landraise will be resisted unless it can be demonstrated that the remaining available capacity at existing landfill sites is insufficient to manage disposal requirements during the proposed operational life of the proposed landraise site. It is considered that landraise proposals could have unacceptable adverse environmental and amenity impacts on both an individual and cumulative basis. For example, such proposals could introduce a new waste use into an area, which has previously not otherwise been disturbed by waste development. That could result in the creation of landforms which would not be consistent or reflect the local topography and landscape character, could result in a significant change and/or disruption to existing land uses including ecology or could result in significant changes to local drainage which may lead to an increased surface water flood risk. To accommodate a similar quantum of inert waste to a typical landfill site in the County would require many landraise schemes. This could result in unacceptable cumulative environmental and amenity and traffic impacts over a wider area.

7.21 Applicants will need to include all necessary information to enable the Council to assess planning applications for inert waste disposal. It will be essential for the applicant to demonstrate that there will be no unacceptable adverse impact on the environment, human health, or the amenity of local communities. Proposals should meet all relevant plan policies including the requirements of Policy MW1 (General criteria for considering minerals and waste development) and Policy W19 (Water Resources) and the applicable requirements of Policy MW20 (Mineral Site Restoration, Landfill and Landraise). It should be noted that there will be no requirement for applicants to demonstrate the quantitative or market need for an allocated inert waste disposal site or meet either the provisions of W17 criteria 2 or 4. This is because allocated sites are intended to make a contribution to future waste disposal needs and help in assisting meet the identified waste capacity gap to 2035 and also to ensure that adequate provision for waste disposal continues to be available to meet ongoing needs after 2035.

Policy W18 - Non-Hazardous Landfill

Proposals for the disposal of non-hazardous waste by landfill will be permitted where it can be demonstrated that:

1. **The waste to be disposed of is the residue of a treatment process and cannot be managed at a higher level of the waste hierarchy (except where**

pre-treatment is not feasible or necessary) and can meet the requirements of County Durham Plan Policy 47 (Sustainable Minerals and Waste Resource Management) and Policy 60 (Waste Management Provision);

2. **The proposal would not result in an over provision of capacity which could lead to the unnecessary importation of non-hazardous waste from outside County Durham;**
3. **The proposal seeks to ensure full recovery of energy from any generated landfill gas or where this is demonstrated not technically possible, maximum practicable recovery of energy from landfill gas with measures to offset residual emissions; and**
4. **There will be no unacceptable adverse impacts on the environment, human health or the amenity of local communities and proposals can meet the applicable requirements of Policy MW1 (General criteria for considering minerals and waste development), Policy W19 (Water Resources - Landfill, Landraise and Inert Waste Other Recovery**) **and Policy MW20 (Mineral Site Restoration, Landfill and Landraise)**.

7.22 Historically, large volumes of non-hazardous waste (comprising household, commercial and industrial waste) have been disposed in landfill sites in County Durham. This was partly due to the number of former quarries in the County which have traditionally been restored via landfill, and which for many years was seen to be an easy and inexpensive way of managing waste. However, because of a combination of European Union (EU) policy[49], national waste policy and measures such as the Landfill Tax and local policy and strategies, including the County Durham Waste Local Plan and County Durham Municipal Waste Management Strategy, this has now changed. Aycliffe Quarry East Landfill now remains as the County's sole remaining Non-Hazardous Landfill (which also accepts hazardous waste in a specially engineered cell).

7.23 It is expected that over the lifetime of the plan ~~that~~ sufficient alternative treatment solutions higher up the waste hierarchy will come on stream to manage the non-hazardous waste stream in County Durham and the North East, either within County Durham or in nearby adjoining areas of the North East. However, as outlined in the Council's evidence base, surplus non-hazardous treatment capacity in the North East post-2020 depends upon the finance, construction and delivery of consented energy recovery and treatment capacity. If this is new energy recovery and treatment capacity is not delivered or only partially delivered, loss of landfill void space will result in a shortfall of non-hazardous residual waste treatment/disposal capacity at regional level. Accordingly, this policy provides a basis to determine applications for new non-hazardous landfill capacity should alternative energy recovery and treatment capacity not be available and proposals for new non-hazardous landfill capacity unexpectedly come forward.

7.24 It is essential that all waste is managed in accordance with the waste hierarchy, and should proposals come forward they will need to demonstrate that the waste to be disposed is a residue of a treatment process and cannot be managed at

[49] Including through the requirements and implementation of the EU Landfill Directive and EU Waste Framework Directive.

a higher level of the waste hierarchy (except where pre-treatment is not feasible or necessary, e.g., for asbestos). Proposals for disposal of non-hazardous waste which cannot demonstrate they meet a need in accordance with County Durham Plan Policy 60 will be resisted as the creation of unnecessary capacity would not be consistent with the proximity principle.

7.25 Non-hazardous landfills also produce landfill gas, much of which is combustible compound methane which is a powerful greenhouse gas. One of the main aims of the EU Landfill Directive is to reduce emissions of landfill gas (methane) from landfill sites. The EU Landfill Directive requires that all landfills accepting biodegradable waste include measures to treat and use the gas. If it is not possible to use the gas for energy generation, it must be flared. Should proposals come forward they should explain how the landfill gas would be managed during the operational and aftercare of the site. The use of landfill gas to produce energy provides a potential benefit by off-setting demand for fossil fuels, and that benefit should be realised wherever possible. An environmental permit is required in relation to landfill gas, and it is for the Environment Agency to approve landfill gas management plans as licensing authority. However, where full energy recovery is not possible the applicant should also set out estimated residual emissions and how these will be offset. Where appropriate offsetting will be secured by an appropriate legal agreement.

7.26 Applicants will need to include all necessary information to enable the Council to assess planning applications for non-hazardous waste disposal. It will be essential for the applicant to demonstrate that there are no unacceptable adverse impacts on the environment, human health, or the amenity of local communities. Proposals should meet all relevant plan policies including the requirements of Policy MW1 (General criteria for considering minerals and waste development) and Policy W19 (Water Resources - Landfill, Landraise and Inert Waste Other Recovery) and the applicable requirements of Policy MW20 (Mineral Site Restoration, Landfill and Landraise).

Policy W19 - Water Resources - Landfill, Landraise and Inert Waste Other Recovery

Proposals for landfill, landraise and Inert Waste Other Recovery will not be permitted in Groundwater Source Protection Zone 1. For other parts of the County, a risk assessment must be conducted for Landfill, Landraise and Inert Waste Other Recovery based on the hydrological, hydrogeological, and natural character of the location as well as the nature and quantity of the wastes.

Unless it can be demonstrated through that risk assessment that active long-term site management is not essential to prevent long-term groundwater pollution, proposals for landfill and landraise and inert waste other recovery will not be permitted on or in a principal Aquifer, or within Groundwater Source Protection Zones (SPZ) 2 or 3, or below the water table in any strata where the groundwater provides an important contribution to river flow or other sensitive receptors.

7.27 This policy seeks to compliment and should be applied in conjunction with County Durham Plan Policy 35 (Water Management) and Policy 31 (Amenity and

Pollution) as well as the Environment Agency's approach to groundwater protection (Feb 2018 V1.2) or any subsequent iterations of these documents.

7.28 County Durham is underlain by important groundwater resources. The eastern part of the County is underlain by areas of Magnesian Limestone which forms the Principal Aquifer and is exploited for drinking water by both Northumbrian Water Ltd and Hartlepool Water Company and is also important for private dwellings and agricultural abstractors which abstract water from the underlying strata. The remainder of the County is underlain by Secondary Aquifers that can support local water supplies and may form an important source of base flow to rivers. The Environment Agency applies a general level of protection for all drinking water sources through the use of Source Protection Zones (SPZs).

7.29 Groundwater in aquifers can be at risk of contamination by waste development including leachate from landfill sites, which can accumulate over many years. Due to the slow movement of groundwater through aquifers, effects of pollution will be persistent and may take a long time to manifest themselves. Groundwater pollution, if it is possible at all, may take decades to clean up, even after the source of the problem has been removed. Prevention of pollution and protection of groundwater quality and yield is of paramount importance. Landfill sites can be lined, and surfaces capped with impermeable material to reduce the risk of pollution. However, even with the best available engineering measures, it is impossible to eliminate risk of contamination and there may be certain areas of the County where the risk is so great as to make waste disposal unacceptable.

7.30 In February 2018 the Environment Agency's published its approach to groundwater protection. It contains position statements which provide information about the Environment Agency's approach to managing and protecting groundwater. They detail how the Environment Agency delivers government policy for groundwater and adopts a risk-based approach where legislation allows. It provides the Environment Agency's position statement on Landfills and non-landfill waste activities. It makes clear that the Environment Agency seeks to discourage the location of landfill developments with a long term pollution potential in areas where water resources are particularly sensitive. The Environment Agency identified these as groundwater SPZs. The Environment Agency will object to any proposed landfill site in groundwater SPZ 1. For all other proposed landfill site locations, the Environment Agency requires that the applicant conducts a risk assessment, based on the nature and quantity of the wastes, and the natural setting and properties of the location. Where the risk assessment demonstrates that active long term site management is essential to prevent long-term groundwater pollution, the Environment Agency would object to sites: on or in a Principal Aquifer; within SPZ's 2 and 3, and below the water table (in any strata where the groundwater provides an important contribution to river flow and other sensitive receptors. In relation to non-landfill waste activities, non-landfill waste operations pose fewer hazards to groundwater than landfill operations. With the exception of 'deposit for recovery' activities within an SPZ 1 due to the high potential groundwater pollution risk from being located close to drinking water supplies.

7.31 The Environment Agency has a duty to protect the quality of groundwater and to conserve the use of water resources and assesses the risk of pollution from

proposed development. The Environment Agency will be consulted when applications are received which may affect water resources and should provide advice on practicable improvements that might be incorporated to minimise the perceived impact of the development on their interests.

Chapter 8 - Mineral and Waste Site Restoration

Policy MW20 - Mineral Site Restoration, Landfill and Landraise

Planning applications for minerals working and for temporary waste development such as waste recovery and disposal via landfill or landraise, must include high quality Restoration, After Use and Aftercare Scheme for the site. Proposals will be permitted where it can be demonstrated that they:

1. **Deliver high quality restoration appropriate to the site and its surroundings;**
2. **Minimise harm to acceptable levels and are carried out at the earliest opportunity and are progressive in nature where this can reduce adverse impacts;**
3. **Are designed to mitigate the effects of the development and provide environmentally beneficial enhancements including where appropriate those which:**
    a. **Deliver climate change adaptation and mitigation measures;**
    b. **Provide benefits to geodiversity;**
    c. **Enhance the character and distinctiveness of the local landscape;**
    d. **Enhance or reveal the significance of heritage assets, historic character, and the archaeology of the site;**
    e. **Provide improved public access and recreation; and**
    f. **Assist in the delivery of all relevant plans and strategies.**
4. **Deliver a minimum 10% net gain~~s to~~ for biodiversity in line with the requirements of the Environment Act 2021, support the delivery of the Local Nature Recovery Strategy (once prepared), and contribute towards establishing coherent and resilient ecological networks through the creation of semi-natural habitats integrating with landscape-scale conservation initiatives where appropriate;**
5. **Provide for the aftercare of the site to ensure that the land is brought up to the required standard and provide for the long-term management of areas or features where this is required to secure the benefits;**
6. **Make best use of onsite materials for restoration purposes and only rely on imported waste where essential to deliver a high standard of restoration in accordance with Policy W16 (Inert Waste Other Recovery) and W17 (Inert Waste Disposal via Landfill); and**
7. **Are feasible in technical and financial terms and the operator is capable of, and committed to, their delivery.**

Restoration, After Use and Aftercare schemes for mineral, landfill and landraise sites will be secured through planning conditions and where necessary planning obligations or other legal agreements.

8.1 This policy applies to all proposals for mineral working and to temporary forms of waste development such as landfill and landraise. While the focus of the policy is on mineral working, its provisions can also be applied to landfill proposals, which occur at mineral sites in the voids created by their working and to landraise sites which require the consideration of similar issues. The policy is not intended to apply to permanent facilities associated with the processing of minerals such as:

- Brickworks, which in County Durham have been established in locations near to the resource upon which they are dependent.
- Concreting plants which can be located on industrial estates.
- Permanent waste management facilities because such proposals do not require any form of restoration.

8.2 It is essential that all land used for mineral extraction or for landfill or landraise are restored to a high standard at the earliest opportunity, and wherever possible to a positive after use which provides enhancements to the environment or benefits to the local community. Restoration and after use need to be seen as an integral part of any mineral, landfill or landraise proposal. Whenever possible all such land should be restored through progressive and phased restoration to minimise the period over which the land is utilised for the minerals or waste use, unless it can be demonstrated that this is not practical or possible because of site characteristics or constraints.

8.3 Local communities may also gain reassurance, and it may reduce the number of objections to further such development, if they can see that successful restoration schemes have been delivered in the past. To ensure high quality restoration, applicants are therefore always encouraged to discuss their proposals for restoration, after use, and aftercare with the Council prior to planning applications being submitted. The Council's Planning Application Validation Checklist also requires developer led consultation on major proposals. This is considered particularly important where proposals are near to local communities. The level of detail required in the Restoration, After Use and Aftercare Scheme will depend on the circumstances of each specific site including the expected duration of operations on the site. It would normally include an overall restoration strategy, identifying the proposed after use of the site; information about soil resources and hydrology; a landscape strategy; and, where relevant, an assessment of the agricultural land classification grade and details of decommissioning of buildings, plant, equipment, machinery and other structures and surfacing materials. High quality restoration will be sought in accordance with the NPPF paragraph 216 h) and what is deemed appropriate will be determined based on the characteristics of the site and its surroundings and the opportunities it presents for environmentally beneficial enhancements in accordance with criteria 3 and 4 of the policy.

8.4 All planning applications should include sufficient information to enable the Council to determine whether the proposed approach to restoration, after use and aftercare will be acceptable, practicable and achievable within the proposed timescales. Most proposals will require the submission of all relevant details at the time the planning application is submitted. However, for some larger and longer-term sites and when a substantial change to an existing restoration scheme is proposed, a restoration masterplan may be required together with the submission of further detailed restoration proposals at specified stages of the development. Following the grant of planning permission, the Council will seek to ensure that all sites are restored in accordance with the details of the agreed restoration scheme, and this will generally be required through conditions attached to planning permissions.

8.5 In considering planning applications for mineral extraction and landfill and landraise, the Council will require the applicant to demonstrate that their technical

and financial capabilities are sufficient to undertake the proposed reclamation and aftercare of the site, in accordance with an agreed scheme of planning conditions. The Council will seek to ensure that adequate safeguards are in place to ensure that that any breach of planning conditions can be remedied without additional public cost. NPPF advises that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional cases and further information is provided in the Planning Practice Guide upon how mineral planning authorities should deal with any concerns about funding and when a financial guarantee is justified[50]. In accordance with PPG where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund, the Council will not seek a guarantee. In other circumstances the Council will consider the need for a guarantee having regard to scheme viability, financial means, technical expertise and experience, and statements of commitment.

8.6 Planning conditions can provide for aftercare provisions to be put in place for a period of up to five years following restoration, to successfully establish an after use. However, there may be circumstances where it may be appropriate to extend the period for after-care and maintenance in some circumstances, for example many habitats and species may require such agreements for a period of more than five years for the after use to become established, and they may also be sought to secure any required or desired long-term management. Where proposals will require long term management beyond any aftercare period, this will be sought through legal agreements or the transfer of land to an appropriate body[51].

8.7 The process of restoring a site may itself have environmental impacts which would be in addition to the effects of the development itself. Any such impacts will be taken into consideration when the overall impacts of a proposal are being assessed. It will therefore be essential that applicants seek to minimise adverse impacts associated with the restoration of a site.

8.8 The effects of mineral extraction on the character of the local landscape and landform of a site can be the most enduring visible legacy of extraction. Proposals for minerals extraction should seek to create the restoration landforms through mineral extraction and demonstrate that an appropriate form of reclamation is viable without the need for large-scale imports of inert material. Where appropriate the former subtleties of the landform should be recreated, including minor topographical micro relief features, this will be particularly important for the working of extensive mineral deposits. Where it is either not desirable or possible to reconstruct the original topography, close attention should be paid to the integration of the new landform within the surrounding landscape, including the use of landform replication techniques such as restoration blasting. The impact of any proposed landraise will also need to be carefully considered in terms of its own impacts on the character of the local landscape and landform.

[50] Paragraph: 048 Reference ID: 27-048-20140306 Revision date: 06 03 2014 provides guidance on when a financial guarantee is justified.

[51] Long term management of all habitats delivering for biodiversity net gain will be required for a minimum of 30 years.

8.9 A successful restoration scheme often depends on the way in which soils are stripped, stored, replaced, and subsequently managed. Proposals should be supported by a detailed soil handling strategy which includes details of the soil resource, storage proposals, type of machinery to be used, proposed soil profiles and treatment of soils following restoration. Where there is a shortage of soil material then every attempt should be made to recover suitable soil-making material from the site such as through the use of excavated overburden. In certain circumstances excavated material, such as soil, or soil forming material can be used to assist the restoration of older mineral sites, if sufficient material is available without detriment to the restoration of the site itself.

8.10 When restoring sites, it is essential that sufficient regard is given to the long-term protection of groundwater and other water resources including rivers and streams. Where retention of open water is proposed at any mineral site, particularly when the underlying water is an important groundwater resource, there needs to be an assessment of whether that is the most environmentally beneficial option. This assessment should be undertaken through the hydrological and hydrogeological risk assessment which is required for the planning application. Consideration will need to be given as to whether having large water features could impact adjacent water supplies (particularly small private supplies including springs), impact on groundwater flood risk and increase pollution risks. Potential impacts could include pollution from adjacent land uses e.g., nitrate or pesticides from farming leaching directly into the water supply or in the case of the Magnesian Limestone, allowing for mine water to enter from below if water levels are no longer controlled. Similarly, woodland planting may assist flood alleviation, by taking up more water, but trees can also take up more water, reducing infiltration and recharge to groundwater. Any proposed woodland planting should consider the risks to groundwater and local water dependent features such as springs as well as flood risk.

After Use

8.11 Once sites have fulfilled their primary purpose, their restoration should seek to enhance the wider environment through the delivery of beneficial after use. The Council considers that the development of such beneficial after use may also help to mitigate, in some degree, the adverse impacts of the use of the site during its operational life.

8.12 In preparing proposals for restoration, after use and aftercare, applicants should consider the characteristics of the site and the surrounding land uses and have regard to the requirements of all relevant plans, strategies and audits including but not limited to the County Durham Plan. These include the County Durham Landscape Strategy, the Council's Climate Change Emergency Response Action Plan, the County Durham Local Nature Recovery Strategy (once prepared), the County Durham Geodiversity Audit and if located within the North Pennines AONB, the AONB Management Plan, the Geodiversity Audit and Action Plan and North Pennines AONB Planning Guidelines.

8.13 After use delivered through high quality site restoration can:

a) Assist in climate change adaptation and mitigation through a variety of measures, including carbon capture through new woodland planting and by assisting in flood alleviation by providing for increased flood water storage capacity and improved conveyance of flood water;
b) Create new semi-natural habitats and biodiversity thereby helping to provide significant net gains to biodiversity, by contributing to priority habitat creation and helping to deliver local nature recovery networks;
c) Create features of geological interest and help deliver the requirements of Geodiversity Audits and Action Plans;
d) Provide enhancements to landscape character and help deliver the requirements of the County Durham Landscape Strategy;
e) Provide improvements to countryside access through new recreational facilities, public open space and new or enhanced public rights of way;
f) Provide opportunities for the conservation and enhancement of heritage assets including the setting of heritage assets which better reveal their significance;
g) Create new areas of forestry and community woodland; and
h) Provide land which can be used for agriculture.

8.14 The usual location for mineral working and other temporary waste development uses are away from urban areas, which means that most mineral workings are likely to affect agricultural land. It may be appropriate to restore land to its former character as part of the agricultural landscape. However, restoration of better-quality agricultural land to an improved standard can be problematic, especially where soils would need to be stored over a long period of time. In these cases, the Council has found that it has sometimes not been possible to restore land to its original agricultural quality because of the landform created by older planning permissions, or where the final surface is below the water table.

8.15 County Durham Plan Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources) recognises that where mineral working is proposed on best and most versatile agricultural land, proposals should seek where practicable to minimise its loss and retain its longer-term capability unless the benefits of alternative restoration strategies outweigh its loss. Retaining the quality of agricultural land following reinstatement will require particular care in planning and carrying out of soil handling operations. Where other agricultural land is to be restored to an agricultural after use, the restoration scheme should be designed to achieve a good standard of restoration, consistent with the former quality of the land. Even in predominantly agricultural restorations however, attention should be paid to opportunities for environmental enhancement and providing public benefit.

8.16 Some former mineral sites may also be restored as a landfill site using suitable imported waste materials as an intermediate stage in restoration prior to an appropriate after use. Policy W17 (Inert waste disposal via landfill) has been prepared to provide the framework to address such proposals. It is also recognised that inert waste can assist in helping deliver restoration landforms and in instances where a proposal can be demonstrated to be other recovery, Policy W16 (Inert Waste Recovery) will be applicable. However, whenever possible, the Council will seek to ensure that proposals for new mineral extraction seek to create the restoration landform without the importation of waste through low level restoration. Some former mineral sites may also be suitable for a permanent waste management

as shown by the former Aycliffe Quarry which accommodates a number of permanent waste management uses. Some former mineral sites and waste sites may also be suitable for other built environment uses and may also readily lend themselves to renewable and low carbon energy generation, which may help offset the climate change impacts of mineral working.

8.17 A separate planning application may also be required for some proposed after uses, though this is unlikely to be the case where reclamation to agriculture, forestry/community woodland, nature conservation or informal recreation not involving substantial public use is involved. The Planning Practice Guide[52] provides additional guidance relating to the restoration and aftercare of mineral sites. Further guidance can also be found in:

- Guidance for Successful Reclamation of Mineral and Waste Sites (Defra, 2004);
- Good Practice Guide for Handling Soils (MAFF, 2000)[53]*;*
- Guidance on Planning and Aftercare Advice for Reclaiming Land to Agricultural (Natural England, 2022)[54]; and
- Reclaiming Disturbed Land for Forestry (Bulletin 110) (Forestry Commision,1994)[55].

[52] https://www.gov.uk/guidance/minerals#Restoration-and-aftercare-of-minerals

[53] https://webarchive.nationalarchives.gov.uk/20090317221756/http://www.defra.gov.uk/farm/environment/land-use/soilguid/index.htm

[54] https://www.gov.uk/government/publications/reclaim-minerals-extraction-and-landfill-sites-to-agriculture/planning-and-aftercare-advice-for-reclaiming-land-to-agricultural-use

[55] https://www.forestresearch.gov.uk/publications/archive-reclaiming-disturbed-land-for-forestry/

Chapter 9 - Non-Strategic Minerals and Waste Site Allocations

9.1 Through the policies and provisions of the County Durham Plan and the M&WDPD, the Council as Minerals and Waste Planning Authority is seeking to deliver a plan-led approach to future minerals and waste development. This approach accords with the provisions of the Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan for the area unless other material considerations indicate otherwise.

County Durham Plan

9.2 Through the strategic policies of the County Durham Plan, the Council sought to ensure a steady and adequate supply of minerals over the plan period to meet society's needs. County Durham Plan Policy 49 (Primary Aggregates Provision) of the County Durham Plan sets out the scale of future aggregate working based upon the Council's Local Aggregate Assessment[56] at the time that the County Durham Plan was prepared. The policy advised that given the extent of existing permitted reserves of magnesian limestone and dolerite, that no further provision would be required over the Plan period for these two mineral types. However, a need was identified for a further 14.3 million tonnes of carboniferous limestone, which subject to acceptable planning applications forthcoming would supplement existing permitted reserves. This was considered necessary to ensure that supplies of carboniferous limestone within County Durham would not become depleted and largely exhausted over the period to 2035. County Durham Plan Policy 50 (Locational Approach to the Future Supply of Primary Aggregates) sets out the locational approach to the future supply of primary aggregates including for any proposals for non-strategic sites in the M&WDPD and for planning applications. County Durham Plan Policy 52 (Brick Making Raw Materials) sets out the approach to ensuring that a steady and adequate supply of brick making raw materials can be maintained. County Durham Plan Policy 53 (Surface Mined Coal and Fireclay) and County Durham Plan Policy 54 (Natural Building and Roofing Stone) address their relevant minerals.
Finally, County Durham Plan Policy 60 (Waste Management Provision) addresses future waste provision and within its provisions sets out the waste management capacity gap or surplus for specific waste facility types.

9.3 As part of work to prepare the County Durham Plan, the Council also undertook a call for new minerals and waste sites. Twelve potential minerals sites were submitted for consideration and were then assessed. Following adoption of the County Durham Plan three strategic sites for future mineral working were allocated.

9.4 These three sites were for two Preferred Areas for carboniferous limestone, a 3.7 million tonne allocation to the west of Heights Quarry near Eastgate in Weardale and an 8.2 million tonne eastern extension to Hulands Quarry near Bowes in

[56] Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (2018).

Teesdale (County Durham Plan Policy 58) and one Strategic Area of Search for coal measures mudstone, to meet the future needs of Todhills Brickworks near Newfield (County Durham Plan Policy 59).

9.5 The provisions of the County Durham Plan's strategic policies are the starting point for the consideration of potential site allocations within the M&WDPD.

M&WDPD

9.6 One of the main functions of the M&WDPD is to identify additional areas of land in the County where mineral extraction and waste development may be acceptable and to seek to allocate that land and thereby provide a degree of certainty to both the minerals and waste industry and to local communities as to where future planned mineral working, and waste development could occur.

9.7 At the time that the County Durham Plan was prepared the principal role of the M&WDPD was to provide a mechanism to allow consideration of what was termed non-strategic sites, these were defined as sites which were not fundamental to the delivery of the strategy of the County Durham Plan. These non-strategic sites were deemed to be sites, which are generally small sites with a limited scale of working and sales. Surface mined coal sites in the County, which have traditionally supplied customers, principally electricity generation outside of the County were not considered as fundamental to the delivery of the strategy of the County Durham Plan. In addition, through work on the M&WDPD the Council's intent was to ensure that longer term need, that is need which was not originally anticipated as being required at the time of the County Durham Plan was prepared, could also be met. Whilst longer term need was not defined in 2016 when the County Durham Plan commenced preparation, the intent was to ensure that society's needs could continue to be met towards the end of the Plan period. Meeting longer term needs for minerals and waste is required to be consistent with national planning policy[57].

9.8 Where possible, through the provisions of the M&WDPD, the Council will seek to ensure that this is achieved to ensure that any identified needs can be met over the life of the M&WDPD from environmentally acceptable sites. However, the submission of a planning application within an allocated site does not guarantee its acceptability. All planning applications within allocated sites will be determined in accordance with the relevant policies of the statutory development plan unless material considerations indicate otherwise. As required by Policy MW1 a range of relevant technical assessments and other information will be required to enable the consideration of the acceptability of the submitted planning applications. Furthermore, it is expected that over the Plan period, other planning applications for non-allocated sites may be submitted for consideration by the Council.

Aggregates - Sand and Gravel

9.9 When the County Durham Plan was prepared (based on 2016 reserve and sales information) permitted reserves of sand and gravel in County Durham were 7.6 million tonnes providing a landbank equivalent to 26.7 years supply, with an overall

[57] National Planning Policy Framework (2021) and National Planning Policy for Waste (2014).

demand requirement of 5.415 million tonnes and an overall positive balance of supply of 2.195 million tonnes. Accordingly, at the time that the County Durham Plan was prepared, the Council was able to demonstrate that in quantitative terms there was no need for further allocations. However, having reviewed this position, and taking account the latest Local Aggregate Assessment[58], it is now considered that allocations for further sand and gravel are now required to maintain a steady and adequate supply and to maintain at least a seven-year sand and gravel landbank at 2035.

9.10 This material change in position is due to several factors. Permitted reserves have been worked at a faster rate than previously expected at several sites and they have also fallen at a greater rate than was originally expected from sales alone due to a reassessment of permitted reserves due to geological circumstances. Permitted reserves of Basal Permian sand at Thrislington West Quarry have been worked more quickly and are now expected to be exhausted by 2025, which is five years before the site's planning permission ends in 2030. Similarly, the operator at Crime Rigg Quarry now advises that permitted reserves of Basal Permian sand[59] are now expected to be exhausted by 2029 at that site. In addition, the operator of Old Quarrington and Cold Knuckles Quarry now advises that due to increased sales, permitted reserves are now expected to be exhausted by 2027. Further to this, the Council's Local Aggregate Assessment has considered further the likelihood of inactive sites contributing to future supply and for the time being discounted, the prospect of working resuming at Hummerbeck[60], which is a very old sand and gravel site dating from 1969. The scale of overall sales has also increased because of sand and gravel working commencing at Low Harperley Quarry near Wolsingham[61]. Increased sales have led to an increase in the Annual Demand Requirement which is a key metric in the Council's Local Aggregate Assessment and is used to calculate forecast future need.

9.11 Table 1 sets out the sand and gravel supply forecasts for the fifteen-year period 1 January 2021 to 31 December 2035. These forecasts are derived from the Council's Local Aggregate Assessment (April 2022)[62] and require that provision is made for a further 5.059 million tonnes of sand and gravel. In combination the plan allocations within the Minerals and Waste Policies and Allocations document, seek to ensure that sufficient allocations are made to meet the shortfall between permitted reserves (see a) and the demand forecast over the period 1 January 2021 to 31

[58] Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear (2020 and 2019 Sales and Reserves Data) April 2022.
[59] This is an old planning permission which was originally granted in 1969. A further planning permission was granted on appeal in 1979. A new scheme of working and restoration conditions was issued on 25 November 2011, but working has never recommenced. Should working ever recommence the period of working would be 8 years (site has permission to 2042).
[60] This is an old planning permission which was originally granted in 1969. A further planning permission was granted on appeal in 1979. A new scheme of working and restoration conditions was issued on 25 November 2011 but working has never recommenced. Should working ever recommence the period of working would be 8 years (site has permission to 2042).
[61] Cold Knuckles Quarry is commonly referred to as part of the larger planning permission to which it adjoins, Old Quarrington Quarry and hence it is generally referred to as Old Quarrington and Cold Knuckle Quarry.
[62] Table 6.2 Assessment of the balance between supply and demand for sand and gravel from County Durham, Joint Local Aggregates Assessment for County Durham, Northumberland and Tyne and Wear (April 2022).

December 2035 (see c) which has resulted in a forecast shortfall of 1,232,000 tonnes of sand and gravel (see d). The allocations also make an allowance to discount the permitted reserves at Hummerbeck (see f) and an allowance to ensure at least a minimum seven-year supply (see e) based upon the current annual demand requirement (see b) at the end of the plan period. The allocations identified under Policy M21 (Site specific allocation at Thrislington West Quarry) and Policy M22 (Site Specific Allocation Northern Extension to Crime Rigg Quarry) are considered sufficient to provide for the plan allocation which have been identified (see g).

Table 1: Sand and Gravel Supply Forecasts (2021 to 2035)

		Forecast period 2020 to 2035 (15 Years)
a	Permitted Reserves 31/12/20	5,247,000 tonnes
b	Annual Demand Requirement in LAA (April 2022)	438,000 tonnes
c	Demand Forecast 01/01/2021 to 31/12/2035 (15 years)	6,570,000 tonnes
d	Balance between Demand and Supply (a-c)	-1,323,000 tonnes
e	7-year supply at end of plan period 31/12/2035	3,066,000 tonnes
f	Discount to reflect position at Hummerbeck	-670,000
g	Plan allocations needed (d-(e+f)	5,059,000 tonnes

Aggregates - Crushed Rock

9.12 When the County Durham Plan was prepared (based on 2016 permitted reserve and sales data) permitted reserves of crushed rock in County Durham were 131.9 million tonnes, providing a landbank equivalent of 46.8 years supply, with an overall demand requirement of 53.295 million tonnes and an overall positive balance of supply of 78.095 million tonnes. Accordingly, at the time that the County Durham Plan was prepared, the Council was able to demonstrate that in quantitative terms there was no need for further allocations of crushed rock as supply could be maintained to 2035, that at least a ten-year rock landbank could also be maintained at 2035 and that in overall terms the County's quarries were able to meet the scale of production required by the annual demand requirement. Although as noted at paragraph 9.2 above, a need was identified for a further 14.3 million tonnes of carboniferous limestone in order to ensure that permitted reserves of this mineral type was not depleted and largely exhausted over the plan period.

9.13 Four years later the permitted reserve and landbank position has not materially changed. Combined sales between 2017 to 2020 were 11.989 million tonnes (2.636 million tonnes in 2017, 3.484 million tonnes in 2018, 3.256 million tonnes in 2019 and 2.612 million tonnes in 2020). At the end of 2020 crushed rock permitted reserves were reported as 97.468 million tonnes, equivalent to a landbank

of 31.2 years. In addition, a further 8.2 million tonnes remain allocated[63] but not permitted on land to the east of Hulands Quarry, near Bowes.

9.14 Therefore, the overall permitted reserve position for crushed rock at the end of 2020 was very good with a positive balance between demand and supply of 46.875 million tonnes. A large proportion, estimated at 78.9 million tonnes on 31 December 2020 or 81% of all permitted reserves, also lay within County Durham's magnesian limestone quarries. The potential of all sites to increase supply, if needed from all permitted reserves was also considered to be good. Therefore, County Durham does not need to seek to make any additional provision for crushed rock over the period to 2035 as there are sufficient reserves with planning permission or land allocated to deliver supply over the period to 2035. The latest Local Aggregate Assessment advised that provision remains for a further 2.93 million tonnes of carboniferous limestone to be made to meet the County Durham Plan target of 14.3 million tonnes. However, subject to planning permission being granted to an environmentally acceptable extension on land to the east of Hulands Quarry, it is considered that there would be productive capacity to supply at least 800,000 tonnes of carboniferous limestone per annum, thereby helping to ensure a steady and adequate supply of this mineral over the plan period to 2035 and beyond.

9.15 Previous Local Aggregate Assessments have reported that several of County Durham's crushed rock quarries are currently inactive, and some have not been worked for some years. However, the Council has been approached by the operators of several inactive quarries seeking to agree new schemes of working and restoration[64]. The Council is currently also considering a planning application to work two adjacent dormant magnesian limestone permissions at Tuthill Quarry, together with further quantities of magnesian limestone on adjoining land. Significantly, it should be noted that mineral extraction is expected to cease at Thrislington East Quarry by 2023/24 which, in addition to containing large quantities of high-grade dolomite (also known as industrial dolomite), also contains a large quantity of permitted reserves suitable for aggregates use. This is because Thrislington East Quarry is restricted by legal agreement to the use of a proportion of the mineral to high grade purposes for which there is not a current demand[65]. However, the Council is currently considering an application to allow the continued working of aggregates at Thrislington East Quarry in the very short term (until 2023/24)[66] while the operator prepares a new scheme of working and restoration at Cornforth West and Cornforth East Quarries, thereby maintaining a continuity of supply from these quarries which are within one operator's ownership.

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[63] County Durham Plan Policy 58 (Preferred Areas for Future Carboniferous Limestone Extraction) allocated land to the east of Hulands Quarry for further carboniferous limestone working.
[64] At Witch Hill Quarry, Cornforth West, Cornforth East Quarry and at Hawthorn Quarry.
[65] Following the restructuring in the steel industry in the UK, the kilns at Thrislington West Quarry, operated by Lhoist closed in 2016. Current demand for high grade dolomite in the UK is currently met by Whitwell Quarry in Derbyshire. The permitted reserves at Thrislington East Quarry are the only remaining permitted resource of this mineral within County Durham and are an important national resource. In addition to the deposits of high-grade dolomite at Thrislington Quarry and the area to the east of the quarry, deposits of high-grade dolomite of sufficient purity for colourless glass manufacture have also been proved at Hawthorn Quarry, on the coast south, of Seaham.
[66] The Council is currently considering a planning application (DM/18/03884/VOCMW) to, amongst other matters, allow a change to the working method and variation to the associated Section 106 agreement in terms of the percentage of High-Grade Dolomite removed from the site.

9.16 Previous Local Aggregate Assessments have reported the current planning permission for mineral extraction at several of the magnesian limestone quarries in County Durham have end dates before 2035. These being Thrislington Quarry West in 2030, Coxhoe Quarry in 2018 and Crime Rigg Quarry in 2022. However, it should be noted that in February 2018 the Council's County Planning Committee granted planning permission to extend the period for the working of Coxhoe Quarry to 2042. In addition, the County Durham Plan Policy 51 (Meeting Future Aggregate Requirements) is permissive towards granting planning permission for an extension of time at existing sites where permitted reserves remain at the end date of the current planning permissions, and it is understood that a planning application to extend the period of working at Crime Rigg Quarry is now under preparation.

9.17 Previous Local Aggregate Assessments have reported a degree of uncertainty over the future of County Durham's one dolerite quarry (Force Garth Quarry) which has planning permission for mineral extraction until 2042. While the periodic review of this site under the Environment Act is ongoing, the Council concluded a Regulation 63 Review under the Conservation of the Habitats and Species Regulations 2010 (as amended) in 2015. In February 2020 details for the working of the site over the next twenty years were approved.

Inert Waste Disposal

9.18 County Durham Policy 60 (Waste Management Provision) identifies a capacity gap for inert Landfill and Non-Hazardous Landfill of -3,682.8 (m3x 1,000) which is qualified to only relate to inert landfill in County Durham Plan paragraph 5.587 which advises, 'In respect of inert wastes, County Durham has a key role in the North East region with approximately three quarters of the inert void space at the end of 2016 being in three landfill sites within County Durham. In this regard the forecasting has suggested that, based on current landfill capacity and the closure dates of existing sites, due to current consents expiring during the Plan period, capacity would be exhausted by 2032'. The extent of remaining void space is being monitored through the County Durham Plan Annual Monitoring Report.

Site Allocations

9.19 The Council's reasoning for the allocation or non-allocation of sites is set out within the County Durham M&WDPD Assessments of potential Minerals and Waste sites in County Durham – submitted in response to a call for sites 2021 (November 2022).

Site Allocations – Mineral Working - Sand and Gravel and Magnesian Limestone

9.20 Two site allocations, one at Thrislington West Quarry and the second at Crime Rigg Quarry are considered by the Council as being suitable for allocation for mineral working.

9.21 The site allocations seek to ensure a steady and adequate supply of Basal Permian sand from quarries in County Durham. Both proposed site allocations have been carefully assessed and have been found to be suitable as potential allocations,

but their acceptability would also need to be tested through the consideration of individual planning applications.

9.22 Subject to planning permission being granted these site allocations should provide for an additional 6.71 million tonnes of Basal Permian sand. They will enable both quarries to continue to make a major contribution to the identified need for further sand and gravel working from County Durham at a rate of up to 340,000 tonnes per annum from these two quarries alone. Given the declining permitted reserves at both sites it is considered that these sites are both a priority for allocation. While there is no shortfall of need for magnesian limestone aggregate, the deposits overlying the basal Permian sand north of Crime Rigg Quarry will also contribute to the steady and adequate supply of magnesian limestone and maintain productive capacity.

Policy M21 - Site specific allocation at Thrislington West Quarry

Proposals for the winning and working of 5,800,000 tonnes of Basal Permian sand by deepening Thrislington West Quarry within the area of land shown on Policies Map Inset Map 1, will be permitted subject to appropriate planning conditions/ planning obligations, where it is accordance with other relevant policies of the County Durham Plan and the Minerals and Waste Policies and Allocations document and specifically:

1. **That the site allocation will be accessed via the existing quarry access (entrance 1) which lies off the C69 (Cornforth to Mainsforth Road);**
2. **That the site allocation utilises existing site processing storage, plant, and other infrastructure;**
3. **That no infilling with inert waste will be permitted;**
4. **That the planning application is accompanied by a scheme of restoration in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise) which complements the overall restoration strategy for Thrislington West Quarry; and**
5. **It can be demonstrated that there will be no unacceptable adverse impacts on the environment including biodiversity and groundwater, human health, the road network, or the amenity of local communities.**

9.23 Thrislington West Quarry is a large magnesian limestone and Basal Permian sand quarry, located on the Magnesian Limestone Escarpment to the south of West Cornforth and east of Ferryhill.

9.24 Through the provisions of Policy M21, the M&WDPD allocates 18.5 hectares within the eastern part of the operational quarry void adjacent to the A1(M). The site allocation will enable the extraction of 5,800,000 tonnes of Basal Permian. Subject to planning permission being granted it is anticipated that this sand will be worked at a rate of between 200,000 and 300,000 tonnes of sand per annum, which is commensurate with the current rates of sand extraction within the quarry.

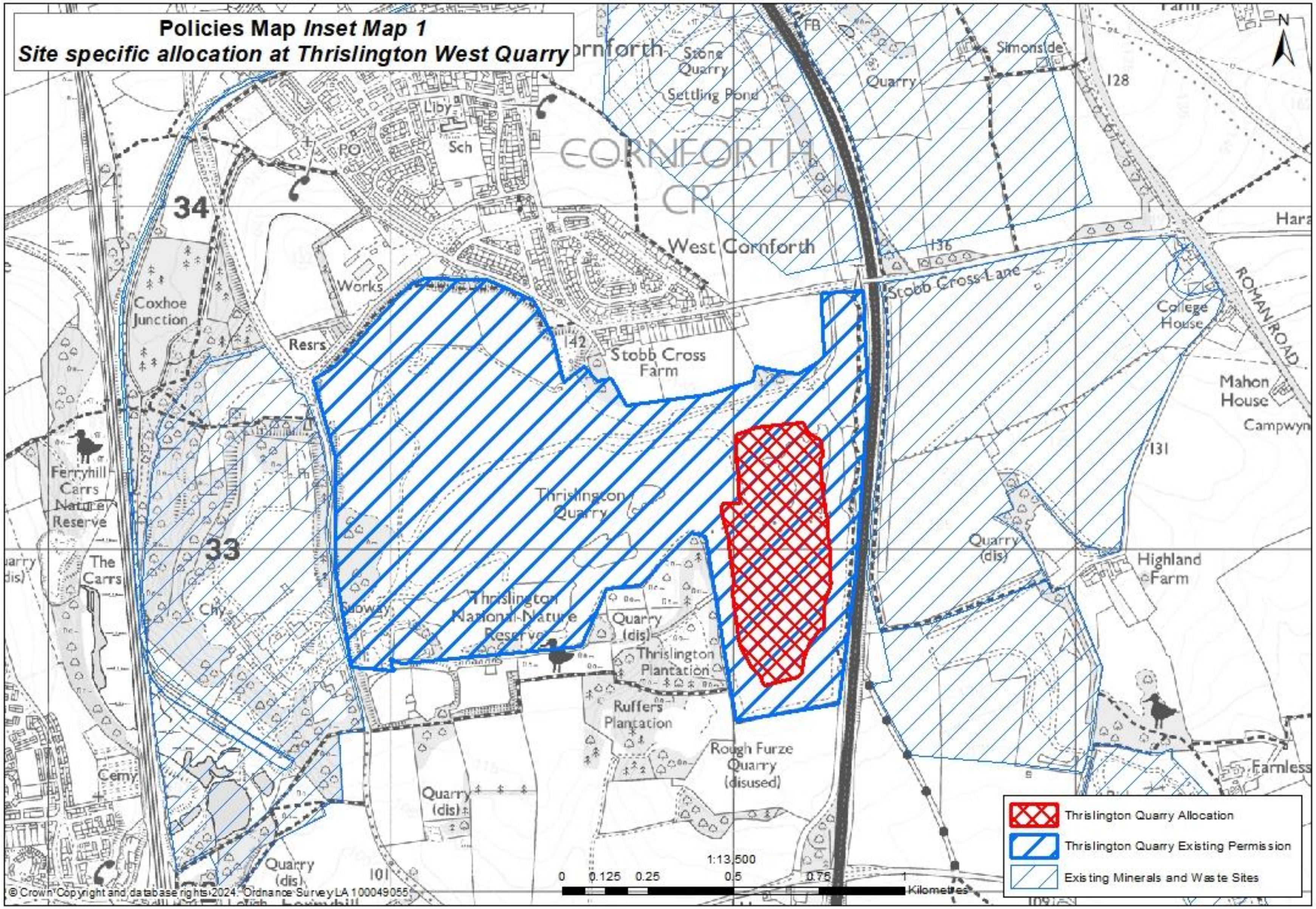
9.25 The site allocation will ensure the continued working of sand from this existing quarry and would be expected to extend its operation life by twenty years, depending upon annual sales meaning that the resulting end date would be circa 2045. Without

these additional permitted reserves, the quarry operator reports that permitted reserves would be exhausted by 2025, although the quarry is currently scheduled to cease mineral working at the end of 2030. For many years, this quarry has been the principal producer of sand within the County and without its continued production, other sources of supply would need to increase production. However, even if it were possible to do so this would deplete remaining permitted reserves at a faster rate in other sites. The site allocation is not directly constrained by environmental designations. In particular:

a) Landscape and visual impacts – The site allocation is not covered by any national or local landscape designations. It lies within the void of an existing quarry and is well contained in views from the wider landscape. The landscape assessment of the site, which has been undertaken on the site allocation, has concluded that the working of reserves in this area would be unlikely to result in any significant landscape or visual effects;
b) Biodiversity – Whilst the quarry lies immediately adjacent to several important international and national biodiversity sites with others in the wider locality, the working of sand in this area has been considered in relation to the nearby designated sites. The County Ecologist has considered the site allocation in relation to Thrislington SAC and the risk of impact on the integrity of the European site has been adequately ruled out. Similarly, it is not considered unlikely that the proposed site allocation will have an unacceptable adverse impact on other designated sites, but this would need to be confirmed through a future planning application which should be accompanied by a full ecological assessment. The planning application will need to demonstrate that unacceptable adverse impacts on designated sites and biodiversity do not occur and that suitable mitigation measures are in place or can be implemented;
c) Water resources – The site allocation lies on the Magnesian Limestone Escarpment which is a principal aquifer and the Basal Permian sands forms part of the principal aquifer. The north-eastern extent of the proposed site allocation falls within Groundwater Source Protection Area 3 and lies in a groundwater nitrate vulnerable zone. The main environmental risk of the site allocation is the loss of part of the Principal Aquifer through the extraction of the Basal Permian sand resource. There is uncertainty as to what impact that the further deepening of the existing quarry may have on the water table and quality and quantity of groundwater. It will therefore be essential that any planning application will need to demonstrate that unacceptable adverse impacts on groundwater quantity and quality do not occur, and that suitable monitoring and mitigation measures are in place or can be implemented. Through the preparation of a planning application a hydrological and hydrogeological risk assessment would be required;
d) Access and Traffic - Thrislington West Quarry is currently served by two vehicular accesses and a rail head which links with the East Coast Main Line. Existing quarry traffic leaves the quarry by entrance 1 which is located to the west of the A1(M) on the road C69 and traffic routeing arrangements seek to keep lorry traffic out of the communities of Cornforth, Bishop Middleham, and Ferryhill. Subject to the traffic and transportation impacts of the proposed development being compatible with the existing operations, traffic impacts on the local and strategic highway network should be acceptable but this would need to be confirmed through a future planning application which should be accompanied by a Transport Assessment. Highway issues relating to the sheeting of vehicles

leaving the site, provision of wheel washes, maintenance of haul roads and cleanliness of the adjacent highway would need to be controlled by planning conditions; and

e) Restoration - The restoration and after uses of the site allocation should be consistent with and seek to complement the restoration strategy of the existing quarry within which it is located. It should seek to provide biodiversity net gain, enhance, and improve ecological connectivity to adjacent and nearby designated sites and should also support the delivery of the County Durham Local Nature Recovery Strategy (once prepared) and other relevant strategies where appropriate. If considered necessary, a revised or updated restoration strategy should be submitted for the entire quarry within which the allocation is located.


Policies Map Inset Map 1
Site specific allocation at Thrislington West Quarry
N
Cornforth
Stone Quarry
Settling Pond
Quarry
Simonside
128
Liby
PO
Sch
CORNFORTH CP
34
West Cornforth
136
Hara
Stobb Cross Lane
ROMAN ROAD
College House
Works
Coxhoe Junction
Resrs
142
Stobb Cross Farm
Mahon House
Campwyn
131
Ferryhill Carrs Nature Reserve
Thrislington Quarry
33
The Carrs
Quarry (dis)
Highland Farm
Thrislington National Nature Reserve
Quarry (dis)
Thrislington Plantation
Ruffers Plantation
Rough Furze Quarry (disused)
Farnless
Cemy
Quarry (dis)
Quarry (dis)
101
1:13,500
0 0.125 0.25 0.5 0.75 1 Kilometres
Thrislington Quarry Allocation
Thrislington Quarry Existing Permission
Existing Minerals and Waste Sites
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Policy M22 - Site Specific Allocation Northern Extension to Crime Rigg Quarry

Proposals for the winning and working of 910,000 tonnes of Basal Permian Sand and 1,775,000 tonnes of overlying Magnesian Limestone from the area of land shown on Policies Map Inset Map 2 – Northern Extension to Crime Rigg Quarry will be permitted subject to appropriate planning conditions/ planning obligations, where it is in accordance with other relevant policies of the County Durham Plan and the Minerals and Waste Policies and Allocations document and specifically:

1. **That the site allocation will be accessed through the existing quarry access which lies off the B1283 (Sherburn Hill to Haswell Plough) throughout the life of the extension;**
2. **That the proposal provides for mitigation measures, including any advance and preparatory works such as screen mounding and tree planting, as are found to be necessary through a detailed Landscape and Visual Impact Assessment.;**
3. **That the site allocation initially utilises the existing quarry's processing storage, plant, and other infrastructure until the site allocation has been developed sufficiently to allow them to be satisfactorily relocated to the extension area;**
4. **That the planning application is accompanied by** a **scheme of in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise) which maximises geodiversity benefits;**
5. **That no infilling with waste will be permitted in the northern extension area; and**
6. **It can be demonstrated that there will be no unacceptable adverse impacts on the environment including biodiversity and groundwater, human health, the road network, human health, or the amenity of local communities.**

9.26 Crime Rigg Quarry is an existing medium sized magnesian limestone and Basal Permian sand quarry and inert landfill site located to both the north and the south of the B1283 road on the Magnesian Limestone Escarpment to the east of Sherburn Hill, north of Shadforth and south-west of Haswell.

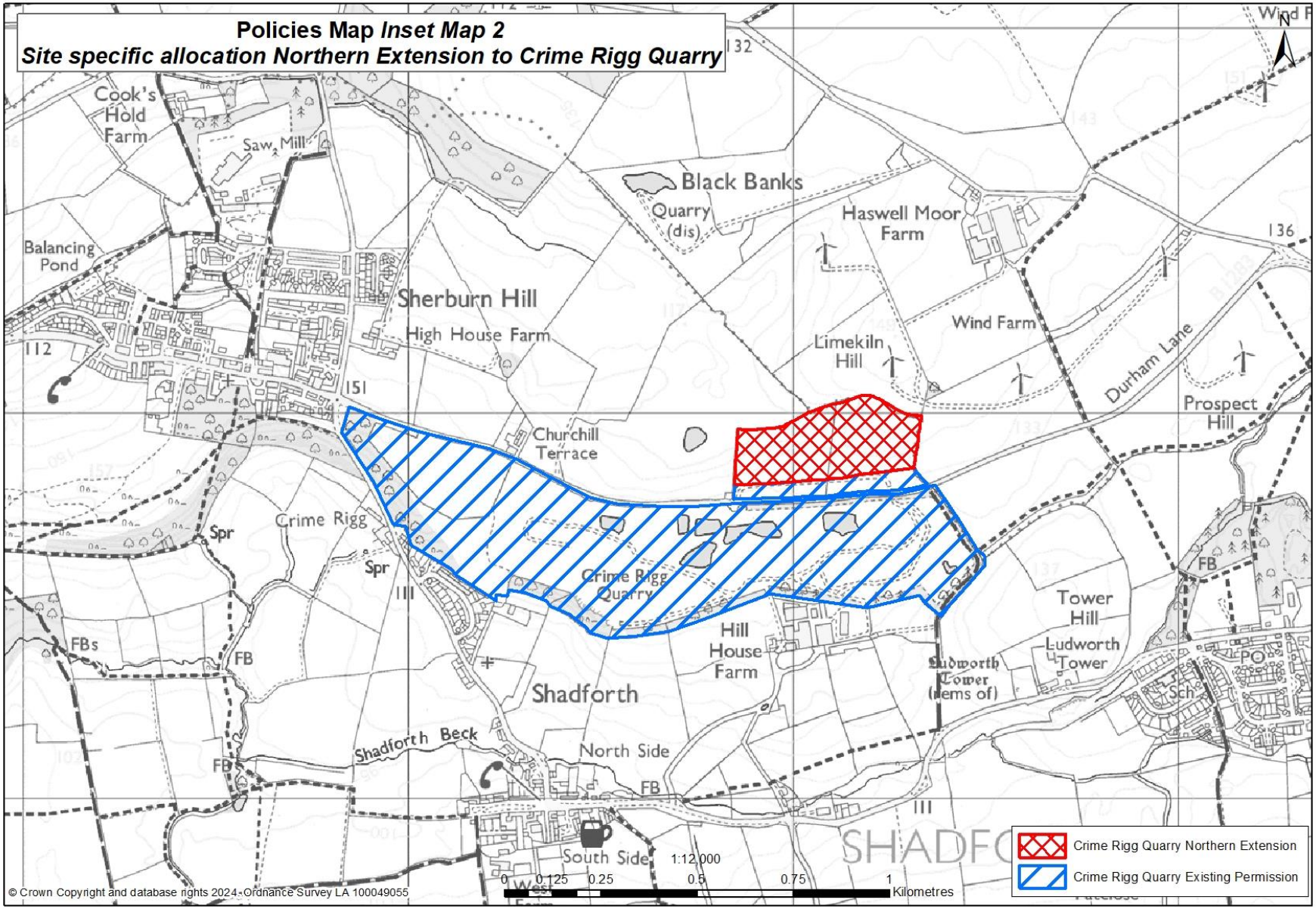
9.27 Through the provisions of Policy M22, the M&WDPD allocates a 9.5-hectare site specific extension to the north of the B1283 road to enable the extraction of 910,000 tonnes of Basal Permian sand, together with an overlying quantity of 1,775,000 tonnes of magnesian limestone. Subject to planning permission being granted, it is anticipated that these reserves will be worked at a rate of 40,000 tonnes of sand and 100,000 tonnes of magnesian limestone per annum.

9.28 The proposed site allocation will ensure the continued working of both sand and magnesian limestone from this existing quarry and would be expected to extend its operation life by eighteen to twenty years, depending upon annual sales meaning that the resulting end date would be circa 2043/2045.

9.29 The site allocation lies in an unconstrained area of County Durham. The proposed northern extension is not directly constrained by environmental designations. In particular:

a) Landscape - The site allocation is not covered by any national or local landscape designations. The landscape assessment of the site has concluded that the working of reserves in this area would be unlikely to result in significant landscape and visual effects subject to detailed design and particularly in respect of the use of screening landforms, but this will need to be confirmed through a future planning application;
b) Visual Impacts - The site allocation does not have high sensitivity receptors nearby other than isolated properties. The landscape assessment of the site has concluded that that the proposal would be unlikely to have significant visual effects subject to mitigation measures, including perimeter mounding/bunding and tree planting along the boundaries of the site. This would safeguard the local landscape, environment, and amenities of the local area whilst also minimising views into the site. The effects of any operational or security lighting would need to be carefully considered;
c) Biodiversity - The site allocation is open arable farmland divided by a network of hedgerows and infrequent trees and there are no ecological designations within or near to the site allocation. However, a full ecological assessment of the site would be expected at the planning application stage;
d) Geodiversity - Given the extension area shares the same geology as the existing quarry, which is a geological SSSI, the restoration of the site provides an opportunity for the creation of features of geodiversity interest, and which could be comparable with the existing Crime Rigg Quarry SSSI;
e) Water resources – The extension area lies on the Magnesian Limestone Escarpment which is a principal aquifer and both the Magnesian Limestone and the underlying Basal Permian sand and magnesian limestone form part of the principal aquifer. The extension area falls within Groundwater Source Protection Area 3. The site also lies in a groundwater nitrate vulnerable zone (NVZ). The main environmental risk of the proposed allocation is the loss of part of the principal aquifer. There is uncertainty as to what impact the extraction of the limestone and underlying sand may have on the water table and upon groundwater quality and quantity. It will therefore be essential that any planning application will need to demonstrate that unacceptable adverse impacts on groundwater quantity and quality do not occur, and that suitable monitoring and mitigation measures are in place or can be implemented. Through the preparation of a planning application a hydrological and hydrogeological risk assessment will be required;
f) Access and traffic – Access to the quarry is from a recently constructed access from the B1283. Subject to the traffic and transportation impacts of the proposed development being compatible with the existing operations, traffic impacts on the local and strategic highway network should be acceptable, but this would need to be confirmed through any future planning application which should be accompanied by a Transport Assessment. Highway issues relating to the sheeting of vehicles leaving the site, provision of wheel washes, maintenance of haul roads and cleanliness of the adjacent highway would need to be controlled by planning conditions; and
g) Restoration – At a minimum, the restoration and after use of this site allocation should seek to provide geodiversity enhancements and deliver a range of attractive geological features and biodiversity habitats within the residual void including crags, buttresses and tailings slopes, bare ground habitat, native

woodland, calcareous grassland, and wetland. It should also provide biodiversity net gain, enhance, and improve ecological connectivity to adjacent and nearby designated sites and should also support the delivery of the County Durham Local Nature Recovery Strategy (once prepared), and other relevant strategies where appropriate. However, given the geology of the site allocation and its location directly to the north of the existing Crime Rigg Quarry Site of Special Scientific Interest (SSSI), it also has the potential to provide geological exposures which are comparable with the existing Crime Rigg Quarry SSSI. In accordance with Policy W23, the acceptability of a planning application for further inert waste disposal within the void of the existing Crime Rigg Quarry (south of the B1283), which would have an adverse effect on Crime Rigg Geological SSSI will be dependent upon the submission of sufficient geological, environmental and economic evidence to demonstrate the viability of the northern extension becoming the replacement geological SSSI, whilst at the same time demonstrating that comparable special interest features will be exposed within the allocation during the transition period (i.e., the landfill operations are concurrent with the new SSSI interest feature exposures).


Policies Map Inset Map 2
Site specific allocation Northern Extension to Crime Rigg Quarry
Cook's Hold Farm
Saw Mill
Black Banks Quarry (dis)
Haswell Moor Farm
Balancing Pond
Sherburn Hill
High House Farm
Limekiln Hill
Wind Farm
Durham Lane
Prospect Hill
Churchill Terrace
Crime Rigg
Crime Rigg Quarry
Hill House Farm
Tower Hill
Ludworth Tower
Ludworth Tower (rems of)
Shadforth
Shadforth Beck
North Side
South Side
FB
FBs
Spr
Sch
PO
112
132
136
151
111
Crime Rigg Quarry Northern Extension
Crime Rigg Quarry Existing Permission
1:12,000
0 0.125 0.25 0.5 0.75 1
Kilometres
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Site Allocations Inert Waste Disposal

9.30 Two site allocations, one within the existing Crime Rigg Quarry and one within Cold Knuckle Quarry are considered by the Council as being suitable for allocation for inert waste disposal. Both site allocations are located at existing minerals sites where inert waste is already being used to restore the sites as inert landfill sites using suitable imported waste as an intermediate stage in restoration prior to an appropriate after use. Subject to planning permission being granted, the site allocations will contribute to meeting the identified need for inert waste disposal identified within the County Durham Plan and will help ensure that sufficient void space remains available through the plan period to 2035 and for a number of years thereafter. Whilst both site allocations have been carefully assessed and have been found to be suitable as potential allocations, their acceptability will also need to be tested through the consideration of individual planning applications.

Policy W23 - Site Specific Allocation Inert Waste Disposal at Crime Rigg Quarry

Proposals for the disposal of inert construction and demolition waste at Crime Rigg Quarry in the area of land shown on Policies Map Inset Map 3 will be permitted subject to appropriate planning conditions/ planning obligations, where it is in accordance with other relevant policies of the County Durham Plan and the Minerals and Waste Policies and Allocations document and specifically:

1. **That the site allocation will be accessed through the existing Crime Rigg Quarry access which lies north of the B1283 (Sherburn Hill to Haswell Plough) throughout the period that the site is used for inert waste disposal until an alternative access is required to complete inert disposal operations;**
2. **That the proposal provides for mitigation measures, including any advance and preparatory works such as screen mounding and tree planting, as are found to be necessary through a detailed Landscape and Visual Impact Assessment;**
3. **That the site utilises the existing site plant and other infrastructure until the northern extension to Crime Rigg Quarry has been developed sufficiently to be relocated to the extension area;**
4. **That it can be demonstrated that the proposal will:**
    a. **Not have an adverse impact on the Crime Rigg Quarry Site of Special Scientific Interest (SSSI), or**
    b. **It can be demonstrated that the benefits of the proposal clearly outweigh both the impacts upon the SSSI and any broader impacts of the national network of SSSIs, or**
    c. **It can be demonstrated that the allocation for the Northern Extension to Crime Rigg Quarry can become the replacement SSSI whilst at the same time demonstrating that comparable special interest features will be exposed during the transition period.**
5. **That the planning application is accompanied by** a **scheme of restoration in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise); and**

6. **It can be demonstrated that there will be no unacceptable adverse impacts on the environment including biodiversity and groundwater, human health, the road network, or the amenity of local communities.**

9.31 Crime Rigg Quarry is an existing medium sized magnesian limestone and Basal Permian sand quarry which is located to both the north and the south of the B1283 road on the Magnesian Limestone Escarpment to the east of Sherburn Hill, north of Shadforth and south-west of Haswell. In accordance with the previous planning permissions which were granted in 1983 and in 1994, the western part of the quarry to the south of the B1283 road is currently being restored by means of infilling with imported inert construction, demolition and excavation waste under existing planning permissions and is designated as an Inert Landfill (L05 - Inert Landfill) under an Environment Agency permit as an intermediate stage in restoration prior to an appropriate after use.

9.32 The existing planning permission at Crime Rigg Quarry requires the restoration of the site by 31st December 2024. However, the provisions of the County Durham Plan recognise that, "…. Landfill sites take longer to reach their full capacity, meaning an extension of time limits may be needed in some circumstances." It is considered that this may be the case for Crime Rigg Quarry landfill if planning permission is subsequently extended as currently proposed by the minerals operator, capacity would remain available after 2024. Subject to planning permission being extended it is currently anticipated that the existing void space may be exhausted circa 2030. However, it is recognised that as an existing quarry with a landfill within it, that subject to a satisfactory detailed assessment of the site's environmental acceptability, further landfilling at this site could contribute to longer term need for inert waste disposal.

9.33 The site allocation extends to an area of 11 hectares and is the eastern part of the current operational quarry made up of an open void with perimeter soil mounding and structure planting. Potentially the site allocation would enable approximately 200,000 tonnes (133,000 cubic metres) of inert waste to be imported per annum which is commensurate with the existing scale of inert waste disposal. Depending on the acceptability of the proposed final restoration landform, either a low-level restoration scheme or a high-level restoration scheme through the restoration of the existing quarry void to surrounding land levels, it is understood that the site allocation could provide between 1.541 million and 3.226 million cubic metres of inert void space. It is anticipated that if restored to a lower level the site allocation could accommodate 2.311 million tonnes over a period of approximately 11.5 years or if restored to a high-level, 4.839 million tonnes over a period of approximately 24 years.

9.34 Subject to an acceptable planning application being submitted, the site allocation could provide additional void space capacity which would enable inert waste disposal to continue once the existing remaining void space is exhausted and could contribute to help meeting the identified need for waste disposal in the County Durham Plan to 2035. It can also contribute to longer term waste disposal requirements beyond the end of the Plan period, which the Council recognises as necessary given that there will always be inert waste which requires disposal and cannot be otherwise be recycled or subject to recovery.

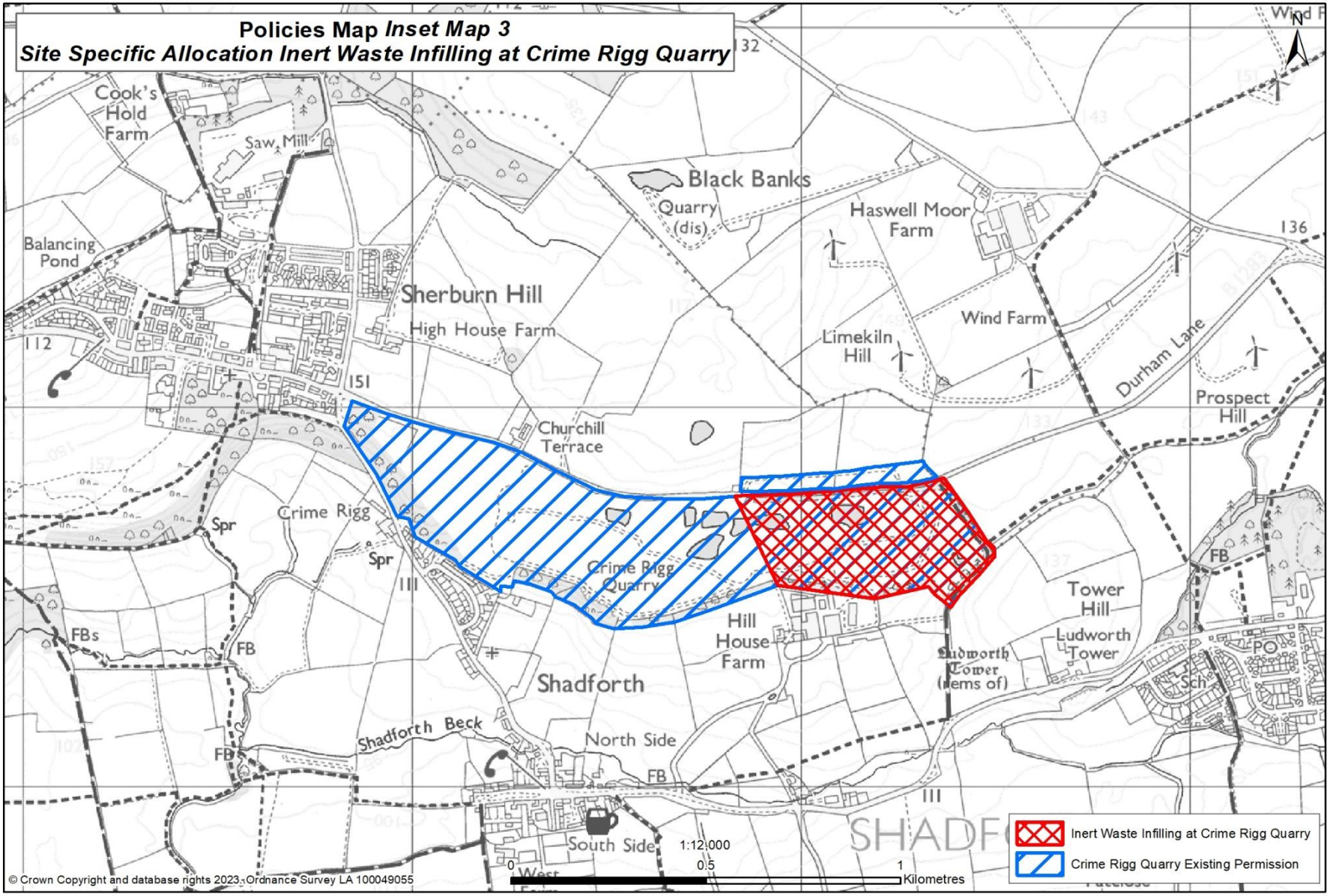
9.35 Other than the Crime Rigg Quarry being designated as a geological Site of Special Scientific Interest, the site allocation lies in an unconstrained area of County Durham. In particular:

a) Landscape - The site allocation is not overlain by any national or local landscape designations. The landscape assessment of the site has concluded that given that the site allocation lies within the void of an existing quarry, the importation of waste would be unlikely to result in significant landscape effects subject to detailed design and particularly in respect of final restoration, but this will need to be confirmed through a future planning application;
b) Visual Impacts - The site allocation does not have high sensitivity receptors nearby other than isolated properties. The landscape assessment of the site has concluded that that given that the site allocation lies within the void of an existing quarry, the proposal would be unlikely to have significant visual effects due to the existing degree of visual containment. Although it is considered that some site operations could be partially visible in localised views from the B1283 during the later stages of operation depending on the extent of infilling, and in distant views where they would form a small part of wide panoramic views;
c) Biodiversity – A full ecological assessment of the site would be expected at the planning application stage. This should identify any notable species and habitats present within the allocation and identify and necessary mitigation.
d) Geodiversity - In terms of geodiversity Crime Rigg Quarry is currently designated as a Site of Special Scientific Interest (SSSI). The acceptability of any impacts upon Crime Rigg Quarry SSSI will therefore be a key consideration. Any planning application for the import of inert waste to restore the allocation to a low level should demonstrate that adverse effects on the SSSI do not occur, unless it can be demonstrated that the benefits of the development clearly outweigh impacts. Infilling the quarry void to predevelopment levels of something similar would result in the permanent concealment of the SSSI interest features. While Natural England have advised that they anticipate that the proposed geological exposures at the northern extension to Crime Rigg Quarry would be comparable with the existing SSSI interest features and have therefore agreed in principle to the proposed allocation, for a planning application for the import of waste to restore the allocation to a pre-development level to be considered acceptable it will be necessary for the applicant to demonstrate the viability of the northern extension becoming the replacement SSSI, whilst at the same time demonstrating that comparable special interest features will be exposed during the transition period (e.g., the landfill operations are concurrent with the new SSSI interest feature exposures). Accordingly, Natural England should be engaged at an early stage in the development of proposals and will be consulted on applications which may impact upon the SSSI;
e) Water Resources - The site allocation lies on the Magnesian Limestone Escarpment, which is a principal aquifer, within Groundwater Source Protection Area 3 and in a groundwater nitrate vulnerable zone (NVZ). The main environmental risk is to groundwater. To be acceptable the applicant will need to provide sufficient evidence to demonstrate that risks are low or can be suitably mitigated during and post operation, that unacceptable adverse impacts on groundwater quantity and quality do not occur, and that suitable monitoring and mitigation measures are in place or can be implemented. Through the

preparation of a planning application a detailed hydrological and hydrogeological investigation and risk assessment will be required;

f) Access and traffic – Access to the quarry and existing landfill site is from a recently constructed access from the B1283, and this will need to be used to access the site until an alternative access is required to complete disposal operations. Subject to the traffic and transportation impacts of the proposed development being compatible with the existing operations, traffic impacts on the local and strategic highway network should be acceptable, but this would need to be confirmed through any future planning application which should be accompanied by a transport assessment. Highway issues relating to the sheeting of vehicles leaving the site, provision of wheel washes, maintenance of haul roads and cleanliness of the adjacent highway would need to be controlled by planning conditions; and

g) Restoration - In terms of restoration and after use, it is considered that there a range of beneficial restoration and after use scenarios depending on the final volume of inert waste disposal within the allocation. It is essential that any planning application for the restoration of the site to a low level should protect the integrity of Crime Rigg Quarry SSSI and provide nature conservation end uses. Similarly, the restoration of the site to predevelopment levels or something close to original levels, should seek to restore the site to an enhanced agricultural character with a high nature conservation value including magnesian limestone grassland, native woodland, and species rich hedges. Whether the site is restored to a low level or predevelopment levels or something similar, the restoration of the site should provide biodiversity net gain, enhance, and improve ecological connectivity to adjacent and nearby designated sites and should also support the delivery of the Local Nature Recovery Strategy (once prepared) and other relevant strategies where appropriate.


Policies Map Inset Map 3
Site Specific Allocation Inert Waste Infilling at Crime Rigg Quarry
N
Cook's Hold Farm
Saw Mill
Black Banks
Quarry (dis)
Haswell Moor Farm
Balancing Pond
Sherburn Hill
High House Farm
Limekiln Hill
Wind Farm
Durham Lane
Prospect Hill
Churchill Terrace
Crime Rigg
Crime Rigg Quarry
Spr
Hill House Farm
Tower Hill
Ludworth Tower
Ludworth Tower (rems of)
FB
FBs
Shadforth
Shadforth Beck
North Side
South Side
West
PO
Sch
112
151
111
132
136
1:12,000
0
0.5
1
Kilometres
Inert Waste Infilling at Crime Rigg Quarry
Crime Rigg Quarry Existing Permission
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Policy W24 - Site Specific Allocation Inert Waste Disposal at Cold Knuckle Quarry

Proposals for the disposal of inert construction and demolition waste in the area of land shown on Policies Map Inset Map 4 Site Specific Allocation Inert Waste Infilling at Cold Knuckle Quarry will be permitted subject to appropriate planning conditions/ planning obligations, where it is in accordance with other relevant policies of the County Durham Plan and the Minerals and Waste Policies and Allocations document and specifically:

1. **That the site allocation will be accessed through the existing Old Quarrington Quarry access off the A688 Wheatley Hill to Bowburn link road throughout the period that the site is used for inert waste disposal;**
2. **That the proposal provides for mitigation measures, including any advance and preparatory works such as screen mounding and tree planting, as are found to be necessary through a detailed Landscape and Visual Impact Assessment;**
3. **That the site utilises existing site plant and other infrastructure;**
4. **That the planning application is accompanied by** a **scheme of restoration in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise); and**
5. **It can be demonstrated that there will be no unacceptable adverse impacts on the environment including biodiversity and groundwater, human health, the road network, or the amenity of local communities.**

9.36 Cold Knuckle Quarry is located on the Magnesian Limestone Escarpment 1km to the east of Bowburn between the hamlet of Old Quarrington and Quarrington Hill. It lies immediately to the south of Old Quarrington Quarry, and forms part of the larger active quarry commonly known as Old Quarrington and Cold Knuckle Quarry which through previous planning permissions are now being worked as one site. The combined Old Quarrington and Cold Knuckle Quarry contains extensive permitted reserves of magnesian limestone and more limited permitted reserves of Basal Permian sand. Areas within Old Quarrington Quarry are also being restored through the disposal of inert construction, demolition and excavation waste in Old Quarrington Quarry Landfill which is an inert landfill (L05 - Inert Landfill) under an Environment Agency permit as an intermediate stage in restoration prior to an appropriate after use. There are currently a number of planning permissions at the combined Old Quarrington and Cold Knuckle Quarry, however, planning permission at Cold Knuckles Quarry currently requires restoration of the quarry by 3rd July 2026.

9.37 The site allocation extends to approximately 10.6 hectares and lies on the southern edge of the spur between Cassop Vale and Old Quarrington Vale. It is made up of currently operational areas of the Old Quarrington Quarry including parts of the unrestored former Cold Knuckle Quarry. To the north lies further areas of the operational quarry. To the south lies an area of former mineral workings now managed as a Local Nature Reserve (LNR). The allocation would enable 400,000 cubic metres (approximately 625,000 tonnes) of inert waste to be imported to achieve the previously approved restoration prolife. It would also extend the existing landfill operation at Old Quarrington Quarry into Cold Knuckle Quarry, thereby providing additional landfill capacity and would enable the sale of 1 million tonnes of

magnesian limestone which would otherwise be used to achieve the previously approved restoration prolife and prevent the limestones sterilisation, thereby enabling this mineral to contribute to the steady and adequate supply of crushed rock.

9.38 The site allocation could play a role in meeting the ongoing need for the disposal of inert waste which cannot be otherwise recycled or subject to recovery. The allocation would contribute to meeting the identified need for waste disposal in the County Durham Plan but given the scale of proposed disposal would not alone meet ongoing disposal requirements which are currently met in County Durham for inert waste by Crime Rigg Quarry landfill, Bishop Middleham Quarry landfill and Old Quarrington Quarry landfill.

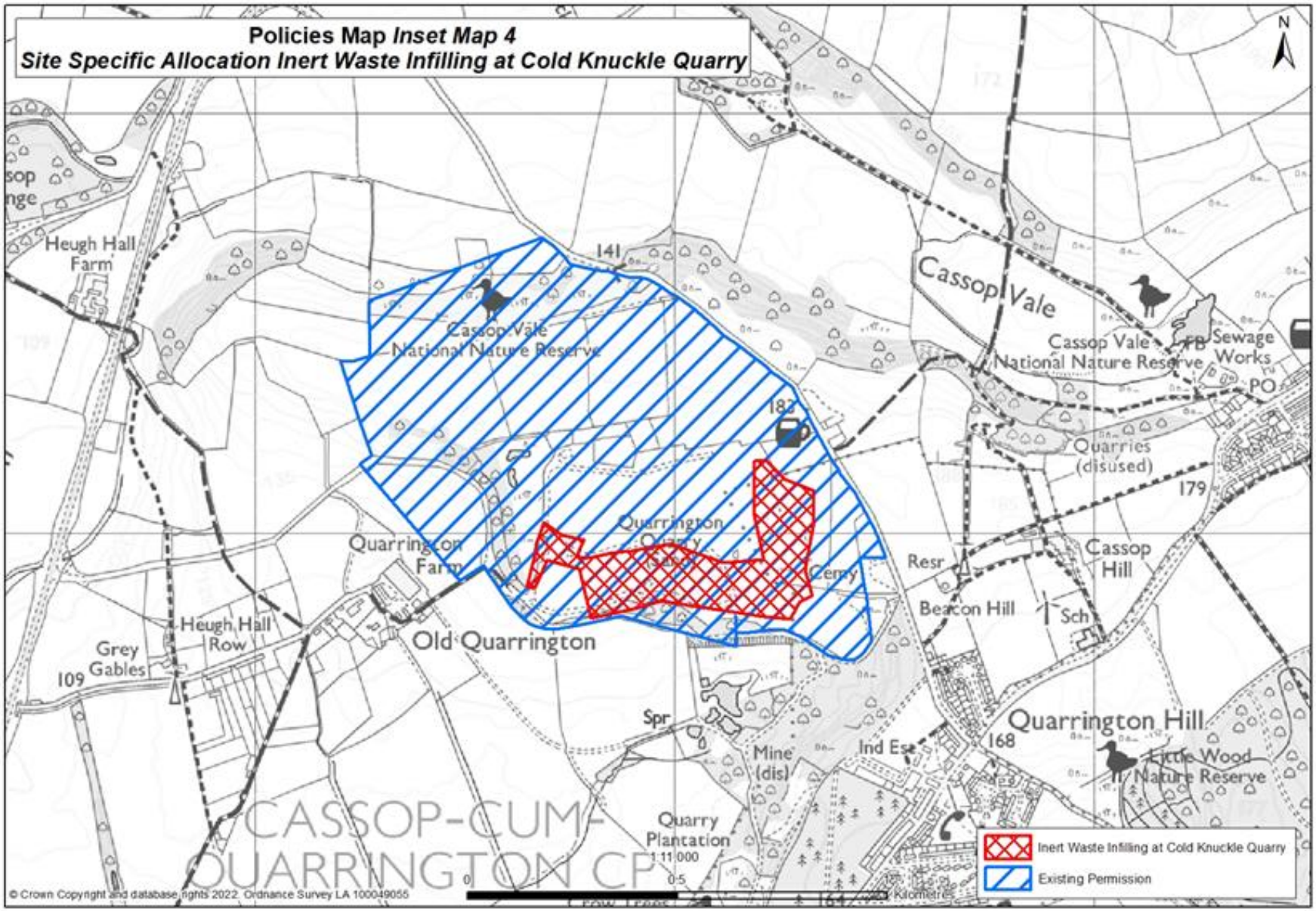
9.39 The site allocation lies within an operational quarry and whilst being overlain by two local environmental designations (Old Quarrington Quarry Local Geology Site (LGS) and Quarrington Hill & Coxhoe Bank Plantation Local Wildlife Site (LWS)). These have already been considered through the existing planning permissions for the existing operational quarry. In particular:

a) Landscape Impacts - The site is not covered by any national or local landscape designations and as an operational quarry is of low sensitivity to the type of development proposed. The proposals would entail some changes to the approved working method. However, given the nature of the proposed development it is considered that these would be unlikely to change the outward appearance of the operations to a substantial degree. Subject to detailed design, it is unlikely that there would be significant effects on landscape character during the operational period and post restoration, but this will need to be confirmed through a future planning application;
b) Visual Impacts - Whilst the site allocation does occupy slopping elevated ground and is prominent in views from the south, south-east and south-west, it is considered that the proposals would be unlikely to have significant visual effects as they would not change the outward appearance of operations to a substantial degree and given the distance from nearby settlements and receptors, unacceptable adverse impacts on amenity would be unlikely to occur. The impact of previously permitted proposals on the amenity of nearby PROW users have also previously been considered by the Council and have been found to be acceptable in the context of the existing permitted operations. Through any planning application views into the site will need to be reconsidered, addressed, and satisfactorily mitigated;
c) Biodiversity and Geodiversity - The impact of previously permitted proposals on locally designated sites have previously been considered by the Council and have been found to be acceptable in the context of the existing permitted operations. A full ecological assessment of the site would be expected at the planning application stage. This should identify any notable species and habitats present within the allocation and identify and necessary mitigation;
d) Water Resources - The site allocation lies on the Magnesian Limestone Escarpment which is a principal aquifer and within Groundwater Source Protection Zone 3. The site also lies in a groundwater nitrate vulnerable zone (NVZ). The site allocation lies above the water table, and no dewatering takes place. The main environmental risk is to groundwater. To be acceptable any

planning application will need to demonstrate that risks are low or can be suitably mitigated during and post operation, and that unacceptable adverse impacts on groundwater quantity and quality do not occur and that local private water supply is not derogated in either quality or quantity. Through the preparation of a planning application a detailed hydrological and hydrogeological investigation and risk assessment will be required;

e) Access and traffic - Access to the quarry is off the A688 Wheatley Hill to Bowburn link road and along a surfaced haul road. Subject to the traffic and transportation impacts of the proposed development being compatible with the existing operations, traffic impacts on the local and strategic highway network should be acceptable but this would need to be confirmed through any future planning application which should be accompanied by a Transport Assessment. Highway issues relating to the sheeting of vehicles leaving the site, provision of wheel washes, maintenance of haul roads and cleanliness of the adjacent highway would need to be controlled by planning conditions; and.

f) Restoration - The restoration of the site allocation should as a minimum seek to replicate or be very close to that of the approved scheme which had sought to reconstruct the escarpment face using limestone and achieve the same level of biodiversity net gain as the existing approved scheme. This should include the creation of a number of habitats including species rich grasslands, scrub/woodland planting (linking to retained scrub at the base of the escarpment), new hedges and new bridleway. The restoration of the site should also aim to support the priorities of the Local Nature Recovery Strategy (once prepared).


Policies Map Inset Map 4
Site Specific Allocation Inert Waste Infilling at Cold Knuckle Quarry
N
Heugh Hall Farm
141
Cassop Vale
Cassop Vale National Nature Reserve
Cassop Vale National Nature Reserve
FB
Sewage Works
PO
183
Quarries (disused)
179
Quarrington Quarry
Quarrington Farm
Cemy
Resr
Cassop Hill
Beacon Hill
Sch
Heugh Hall Row
Grey Gables
109
Old Quarrington
Spr
Mine (dis)
Ind Est
Quarrington Hill
168
Little Wood Nature Reserve
CASSOP-CUM-QUARRINGTON CP
Quarry Plantation
1:11 000
0
0·5
Kilometres
Inert Waste Infilling at Cold Knuckle Quarry
Existing Permission
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Chapter 10 - Monitoring and Implementation Framework

10.1 As part of the statutory development plan for County Durham the M&WDPD should be monitored annually to ensure that its policies are being delivered, are effective and to identify whether it or any of its constituent policies need to be reviewed. Monitoring is also a requirement of the Planning and Compulsory Purchase Act (as amended by the Localism Act 2011) which requires local planning authorities to produce an Annual Monitoring Report (AMR) which should report on how plan production is progressing and, in relation to adopted plans, the extent to which policies set out in those plans are being achieved.

10.2 The monitoring framework set out within this chapter complements the existing monitoring framework of the County Durham Plan. It also aligns with the monitoring that is undertaken separately by the Council's Planning Development Management Team which monitors all minerals and major waste planning permissions granted by the Council through its monitoring and enforcement role.

10.3 The policies set out in the M&WDPD will primarily be implemented through the development management process, through the determination of planning applications and through the consideration of the outcome of any appeals following the refusal of planning permission by the Council. The results of the monitoring process will be reported within the County Durham Plan AMR which the Council produces every year.

10.4 Alongside the AMR, a requirement to prepare a Local Aggregates Assessment (LAA) was introduced through the publication of the NPPF in March 2012. For many years within the North East of England, Durham County Council, Northumberland County Council, Northumberland National Park Authority, Sunderland City Council, South Tyneside Council, North Tyneside Council, Newcastle City Council and Gateshead Council have prepared a Joint Local Aggregate Assessment (Joint LAA). This had been a longstanding approach to joint working on this matter of cross boundary strategic importance. However, due to a timing issue a Joint LAA was not produced for the 2021 monitoring year, and it has now been decided by the Joint LAA authorities that separate sub-regional LAAs will now be produced. The Council's LAA is updated annually, with key information being reported within the AMR where relevant.

10.5 The Council will monitor the demand and supply for minerals of local and national importance which have industrial purposes, and which are addressed by Policy M14 (Vein Minerals, Metalliferous minerals, Lithium and Silica Sand). In decision making the Council will seek to maintain a steady and adequate supply, taking into account any future Government forecasts and policy requirements. The Council will seek to monitor sales of these minerals from the UK and imports of these minerals into the UK as part of assessing demand. The primary source of information will be the United Kingdom Minerals Year book published by the British Geological Survey. To assess adequacy and potential shortfalls in supply, the Council will also seek to monitor the number of mineral workings for these minerals in the UK and seek to understand the adequacy of supply and the extent of permitted reserves through liaison with other mineral planning authorities. Similarly, the Council will also seek to monitor the position regarding high grade or industrial dolomite which has

the potential to be used by the steel and chemical industries, to assist its understanding of the mineral resource which is protected under County Durham Plan Policy 57 (The Conservation and Use of High-Grade Dolomite). The results of this monitoring will inform the periodic review of the County Durham Minerals Technical Paper and will be reported on an annual basis as part of the Plan's monitoring framework.

10.6 The Council also monitors a wide range of waste management information obtained from several sources but principally from the Environment Agency. This information has been compiled into the Council's Waste Technical Paper with key information being reported within the Council's AMR where relevant. Specifically, in relation to Policies W17 and W18 the Council is actively monitoring remaining void space at all landfill sites and will seek to ensure that adequate disposal capacity remains available. A significant decrease in void space, would be a greater than anticipated fall in remaining capacity, such as that which would ensue from the unexpected closure of a site, or a change in the previously intended scheme of restoration, or an increase in the scale of deposits. The potential implications of such a fall would then be considered through the monitoring and review of the Plan and through future reviews of the Council's waste capacity gaps which is undertaken on a periodic basis as required by County Durham Plan Policy 60 (Waste Management Provision).

10.7 The table below shows how the M&WDPD will be monitored. It is intended that the policies of the M&WDPD will be monitored on an annual basis. However, due to the limited number of minerals and waste planning applications determined on an annual basis the trigger for review will be over a 5-year period. The 5-year period has been chosen to ensure consistency with the requirements of paragraph 33 of the NPPF which requires that policies in local plans are reviewed to assess whether they need updating at least once every five years.

Table 10.1: Minerals and Waste Policies and Allocations Document Monitoring Framework.

Policy	Performance Indicator	Target	Method/ Source of information	Trigger	Action required if trigger hit
MW1 (General criteria for considering minerals and waste development)	Number of planning applications assessed against this policy granted contrary to the policy.	100% of relevant approvals are consistent with policy. None are upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons for the approvals. Consider whether policy needs to be reviewed.
M2 (Mineral Exploration)	Number of planning applications assessed against this policy granted contrary to the policy.	100% of relevant approvals are consistent with policy. None are upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons for the approvals. Consider whether policy needs to be reviewed.
M3 (Benefits of Minerals Extraction)	Number of planning applications granted which refer to benefits of minerals extraction and demonstrate economic, environmental, or local/community benefits.	100% of all planning applications where new permitted reserves granted address benefits of minerals extraction.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning permissions granted where committee delegated reports do not refer to benefits over 5-year period.	Investigate the reasons for the approvals. Consider whether policy needs to be reviewed.
MW4 (Noise)	Number of minerals/waste applications granted that meet the criteria set out in policy.	100% of relevant approvals are consistent with policy. None are upheld at appeal. All applicable applications accompanied by a noise assessment.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period. An annual increase of 100% in enforcement action upheld due to noise/ dust /blasting related complaints.	Investigate the reasons for the approvals. Consider whether policy needs to be reviewed.
MW5 (Air Quality & Dust)	Number of minerals/waste applications granted that meet the criteria set out in policy.	100% of relevant approvals are consistent with policy. None are upheld at appeal. All applicable applications accompanied by a dust assessment.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period. An annual increase of 100% in enforcement action upheld due to noise/ dust /blasting related complaints.	Investigate the reasons for the approvals. Consider whether policy needs to be reviewed.

M6 (Vibration from Blasting)	Number of minerals/waste applications granted that meet the criteria set out in policy.	100% of relevant approvals are consistent with policy. None are upheld at appeal. All applicable applications accompanied by blasting and vibration monitoring scheme.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period. Significant increase in enforcement action due to blasting related complaints.	Investigate the reasons for the approvals. Consider whether policy needs to be reviewed.
Policy MW7 (Traffic and Transport)	No Planning applications granted contrary to advice from National Highways and Highways Authority.	100% of relevant approvals are consistent with policy. None are upheld at appeal. All applicable applications to by accompanied by a Transport Assessment or Statement and consider scope for sustainable modes and opportunities are implemented where practical and economic. All applications granted fully mitigate any transport impacts.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted contrary to advice from National Highways and Highways Authority or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons. Consider whether policy needs to be reviewed needs to be reviewed.
Policy M8 (Mineral Rail Handling Facilities)	Number of proposals granted that meet the criteria set out in the policy.	100% of relevant approvals are consistent with policy. None are upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons. Consider whether policy needs to be reviewed.
M9 (Borrow Pits)	Number of planning permissions for borrow pits granted contrary to the criteria in the policy.	100% of relevant approvals are consistent with policy. None are upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons. Consider whether policy needs to be reviewed needs to be reviewed.
M10 (Ancillary Minerals Related Infrastructure)	Number of planning permissions for ancillary minerals related infrastructure at active minerals site. Number of planning permissions for ancillary minerals related infrastructure at employment sites that can be satisfactorily located.	100% of relevant approvals are consistent with policy. None are upheld at appeal. 100% of relevant approvals are consistent with policy.	To consider planning application decisions by considering delegated or committee reports and appeal decisions. To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period. No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons. Consider whether policy needs to be reviewed needs to be reviewed. Investigate the reasons. Consider whether policy needs to be reviewed needs to be reviewed.

M11 (Periodic Review of Mineral Planning Permissions)	Number of ROMPs where new schemes of conditions agreed with mineral operators to modern standards which meet policy criterion.	100% of new schemes of conditions are consistent with policy.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 schemes where conditions agreed which do not meet policy criterion over 5-year period.	Investigate the reasons. Consider whether policy needs to be reviewed.
Policy M12 (Exploration, Appraisal and Production)	Number of planning applications granted contrary to advice from: Natural England; - Historic England; Environment Agency; - Environmental Health Officer and Health and Safety Executive	100% of relevant approvals are consistent with policy. None upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons. Consider whether policy needs to be reviewed.
Policy M13 (Transport of Oil and Gas)	Number of planning Permissions granted.	100% of relevant approvals are consistent with policy. None upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over five-year period.	Investigate the reasons. Consider whether policy needs to be reviewed.
Policy M14 (Vein Minerals, Metalliferous minerals, Lithium and Silica Sand)	Number of planning applications granted or refused for Vein Minerals, Metalliferous minerals, Lithium and Silica Sand that meet the criteria set out policy.	100% of relevant approvals are consistent with policy. None upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over five-year period.	Investigate the reasons. Consider whether policy needs to be reviewed.
Policy M15 (Peat)	Number of planning applications granted.	No applications for peat granted planning permission.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	More than 1 planning application permitted or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons. Consider whether policy needs to be reviewed.
W16 (Inert waste 'other recovery')	Number of planning applications granted or refused for inert waste to be used for agricultural or ecological improvement schemes, or engineering purposes that meet the criteria set out in policy.	100% of relevant approvals are consistent with policy. None upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over 5-year period.	Investigate the reasons. Consider whether policy needs to be reviewed.

Policy W17 (Inert Waste Disposal via landfill)	Number of planning applications granted or refused for inert landfill that meet the criteria set out in policy.	To provide sufficient capacity to meet identified waste capacity gap. 100% of relevant approvals are consistent with policy. None upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over five-year period. Significant decrease in remaining void space at existing sites.	Investigate the reasons. Consider whether policy needs to be reviewed.
Policy W18 (Non-Hazardous Landfill)	Number of planning applications granted or refused for non-hazardous landfill that meet the criteria set out in policy.	100% of relevant approvals are consistent with policy. None upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over five-year period. Significant decrease in remaining void space at existing sites.	Investigate the reasons. Consider whether policy needs to be reviewed.
Policy W19 (Water Resources-Landfill, Landraise and Inert Waste Other Recovery)	Number of planning applications granted contrary to Environment Agency advice in relation to unacceptable adverse impacts on groundwater (aquifers and source protection zones) and surface water resources.	100% of relevant applications are accompanied by a detailed hydrological and hydrogeological risk assessments will be required to support minerals and waste planning applications. 100% of relevant approvals are consistent with policy. None upheld at appeal.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	No more than 5 planning applications permitted or upheld at appeal contrary to this policy over five-year period.	Investigate the reasons. Consider whether policy needs to be reviewed.
Policy MW20 (Mineral Site Restoration, Landfill and Landraise)	Number of proposals for mineral working and landfill and landraise schemes delivering measurable enhancements to their surrounding environment and communities.	100% of relevant approvals deliver measurable enhancements including biodiversity net gain.	To consider planning application decisions by considering delegated or committee reports and appeal decisions.	Less than 100% of applicable planning applications delivering measurable enhancements.	Investigate the reasons. Consider whether policy needs to be reviewed.
Policy M21 (Site specific Allocation at Thrislington West Quarry)	Quantity of additional permitted reserves of sand and gravel granted following the grant of planning permission.	5.8 million tonnes of basal Permian sand	To consider planning application decisions by considering committee reports and appeal decisions.	Planning permission for allocation not granted with 5 years from adoption.	Investigate the reasons. Review policy and allocation.
Policy M22 (Site Specific Allocation Northern Extension to Crime Rigg Quarry)	Quantity of additional permitted reserves of sand and gravel granted following the grant of planning permission.	910,000 tonnes of Basal Permian sand and 1,775,000 tonnes of magnesian limestone.	To consider planning application decisions by considering committee reports and appeal decisions.	Planning permission for allocation not granted with 5 years from adoption.	Investigate the reasons. Review policy and allocation.

Policy W23 (Site Specific Allocation Inert Waste Infilling at Crime Rigg Quarry)	Quantity of additional void space granted following the grant of planning permission.	Dependent on scheme approved 1,541,000 to 3,226,000 cubic metres in total.	To consider planning application decisions by considering committee reports and appeal decisions.	Planning permission for allocation not granted with 5 years from adoption.	Investigate the reasons. Review policy and allocation.
Policy W24 (Site Specific Allocation Inert Waste Infilling at Cold Knuckle Quarry)	Quantity of additional void space granted following the grant of planning permission.	400,000 cubic metres in total.	To consider planning application decisions by considering committee reports and appeal decisions.	Planning permission for allocation not granted with 5 years from adoption.	Investigate the reasons. Review policy and allocation.

Appendices - Appendix A: Table of Superseded/Replaced Policies

Table A1 – County Durham Minerals Local Plan and County Durham Waste Local Plan Policies which have been superseded/replaced by policies within the Minerals and Waste Policies and Allocations Document.

Saved Policy Number and Name	Superseded or replaced by
M13 Borrow Pits	M9 (Borrow pits)
M16 Mineral Exploration	M2 (Mineral Exploration)
M17 Exploration Outside Site Boundaries	Expired
M37 Stand Off Distances	MW1 (General criteria for considering minerals and waste development)
M38 Water Resources	MW1 (General criteria for considering minerals and waste development)
M40 Scope for Rail Use in Planning Applications	MW7(Traffic and Transport)
M41 Mineral Disposal Points	M8 (Mineral Rail Handling Facilities)
M42 Road Traffic	MW7 (Traffic and Transport)
M43 Minimising Traffic Impacts	MW7 (Traffic and Transport)
M45 Cumulative Impacts	MW1 (General criteria for considering minerals and waste development)
M46 Restoration Conditions	MW20 (Mineral Site Restoration, Landfill and Landraise)
M47 After uses	MW20 (Mineral Site Restoration, Landfill and Landraise)
M50 On Site Processing	M10 (Ancillary Minerals Related Infrastructure)
M52 Site Management	MW20 (Mineral Site Restoration, Landfill and Landraise)
W6 Design	County Durham Plan Policies 61 (Location of New Waste Management Facilities) and 29 (Sustainable Design)
W26 Water Resources	MW1 (General criteria for considering minerals and waste development)
W27 Landfill/Landraise and groundwater vulnerability	W19 (Water Resources- Landfill, Landraise and Inert Waste Other Recovery)
W29 Modes of Transport	MW7 (Traffic and Transport)
W31 Environmental Impact of Road Traffic & W32 Planning Obligations for Controlling Environmental Impact of Road Traffic	MW7 (Traffic and Transport)
W34 Site Management	MW20 (Mineral Site Restoration, Landfill and Landraise)
W35 Cumulative Impact	MW1 (General criteria for considering minerals and waste development)
W46 Landfill and Landraise	W17 (Inert Waste Disposal via landfill), W18 (Non-Hazardous Landfill)
W47 Tipping on Agricultural Land	W16 (Inert waste 'other recovery')
W50 Mining of Waste	Expired
W54 Reclamation Conditions	MW20 (Mineral Site Restoration, Landfill and Landraise)
W55 After-use	MW20 (Mineral Site Restoration, Landfill and Landraise)

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 Braille,  Audio,  Large print.

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polski Polish, ਪੰਜਾਬੀ Punjabi, Español Spanish,
বাংলা Bengali, हिन्दी Hindi, Deutsch German,
Français French, Türkçe Turkish, Melayu Malay.

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