

## **Report to Durham County Council**

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## **Report on the Examination of the County Durham Minerals and Waste Policies and Allocations Document**

The Plan was submitted for examination on 3 July 2023

The examination hearings were held between 26 September and 5 October 2023

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## **Abbreviations used in this report**

AONB	Area of Outstanding Natural Beauty
CDP	County Durham Plan
DtC	Duty to Co-operate
GPDO	Town and Country Planning (General Permitted Development) Order 2015 (as amended)
HRA	Habitats Regulations Assessment
LAA	Local Aggregates Assessment
MM	Main Modification
NPPF	National Planning Policy Framework
NPPW	National Planning Policy for Waste
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SPA	Special Protection Area

## Non-Technical Summary

This report concludes that the County Durham Minerals and Waste Policies and Allocations Document Publication Draft Plan November 2022 (the Plan) provides an appropriate basis for the planning of minerals and waste in the County, provided that a number of main modifications (MMs) are made to it. Durham County Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. In one instance<sup>1</sup>, following the consultation, it has been necessary to amend the detailed wording of a MM. We have recommended including the MMs in the Plan after considering the SA, the HRA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Adjustments to ensure that the Plan's allocations are effective;
- Changes to ensure that development management policies are justified, effective, consistent with national policy and the adopted development plan;
- A range of modifications to the monitoring framework to specify clear triggers and associated actions that would be necessary should the Plan fail to deliver expected outcomes; and
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

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<sup>1</sup> MM4

## Introduction

1. This report contains our assessment of the Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is compliant with legal requirements and whether it is sound.
2. On the 19 December 2023, the Department for Levelling Up, Housing and Communities published its revised National Planning Policy Framework (NPPF) alongside other revisions to national policy. Paragraph 230 of that document indicates that the Plan should be examined against the version of the NPPF published on 5 September 2023. Therefore, when we refer to the NPPF in our report, we are referring to that published on the 5 September 2023.
3. The NPPF (paragraph 35) explains that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy. The starting point for the examination is the assumption that the minerals and waste planning authority has submitted what it considers to be a sound plan. The Plan was submitted in July 2023 and is the basis for our examination. It is the same document as was published for consultation in November 2022.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested (DCCEX01) that we should recommend any MMs necessary to rectify matters that make the Plan unsound and / or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out SA and HRA of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light have amended the detailed wording of **MM4** from that consulted upon. This amendment is explained under Issue 4 below and does not significantly alter the content of the modifications as published for consultation. The reasons for the alteration are also explained in the Council's summary of the MM consultation (DCCEX09) and the change does not materially prejudice any parties' positions or undermine the SA or HRA that has been undertaken in any way.

## **Policies Map**

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Publication Draft County Durham Minerals and Waste Policies and Allocations Development Plan Document Submission Policies Map November 2022 as set out in DCC14.
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and consequent changes are needed to ensure that the Plan is effective in these terms. These further changes to the policies map were published for consultation alongside the MMs in the document titled Schedule of Proposed Changes to the Adopted Policies Map for Consultation January 2024 (Proposed Changes to the Policies Map) (DCCEX11).
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Publication Draft County Durham Minerals and Waste Policies and Allocations Development plan Document Submission Policies Map November 2022 (DCC14) and the further changes published alongside the MMs (DCCEX11).

## **Context and Scope of the Plan**

9. The Plan is non-strategic. It sets out detailed policies and four specific site allocations relating to minerals and waste uses. Strategic policies relating to the area, including those relevant to minerals and waste matters are set out in the County Durham Plan (2020) (CDP).
10. It is intended that the Plan will be read alongside the CDP and supersede all remaining policies of the County Durham Minerals Local Plan (2000) and the County Durham Waste Local Plan (2005).
11. The County covers some 229 settlements of differing character and size. There is a history of mining and mineral working across large parts of the Plan area. Mineral resources of regional and national importance are present in the County, including crushed rock, sand and gravel, natural building and roofing

stone and brick making materials. Important reserves of limestone are also found within the County.

12. The North Pennines Area of Outstanding Natural Beauty<sup>2</sup> (AONB) covers much of the west of the County. A substantial number of heritage assets are within the County, in many cases associated with the cultural history of the Prince Bishops, including the Durham Castle and Cathedral World Heritage Site, 90 conservation areas, well over 3,000 listed buildings and some 226 scheduled monuments.
13. A number of designated sites internationally recognised in relation to their biodiversity are also found within or adjacent to the Plan area, including Northumbria Coast Special Protection Area (SPA)/RAMSAR site, Teesmouth and Cleveland Coast SPA/RAMSAR site, and the Durham Coast Special Area of Conservation (SAC).

## **Public Sector Equality Duty**

14. We have had due regard to the aims expressed in S149 (1) of the Equality Act 2010. This has included our consideration of several matters during the examination including in relation to health impacts of dust, air quality and vibration. The Equality Impact Assessment (DCC32) demonstrates that the Plan would be unlikely to lead to any adverse impacts or cause discrimination to any particular groups with protected characteristics within the Plan area.

## **Assessment of Duty to Co-operate**

15. Section 20 (5) (c) of the 2004 Act requires us to consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation. Details of how the Council has met this duty are set out in the DtC statement (DCC15) and the Council's written responses to pre-hearing questions. These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters.
16. The evidence (DCC15) demonstrates that throughout the plan-making process the Council has worked closely and cooperated on relevant strategic matters with all prescribed bodies, including neighbouring MPAs, as well as some further afield where strategic relationships have been identified. It also shows that the County has worked closely with others in the North East Aggregates

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<sup>2</sup> In November 2023 AONBs were renamed as "National Landscapes". However, these areas remain AONB insofar as all policy, legislation and guidance applies to the designated landscape. We continue to refer to AONB in this report reflecting the Plan as modified.

Working Party and the North East Mineral and Waste Planning Policy Officers Group.

17. We are therefore satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

### **Local Development Scheme**

18. The Plan has been prepared in accordance with the Council's Local Development Scheme (DCC1).

### **Public Consultation and Engagement**

19. The Council's Consultation Statement (DCC26) summarises the consultation and engagement undertaken and explains how the response has informed the Plan. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement (DCC2) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations).

### **Sustainability Appraisal**

20. The Council has carried out a SA of the Plan (DCC20, DCC21 & DCC22). They have prepared a report and technical summary and published it along with the Plan and other submission documents under Regulation 19. The SA report was updated to assess the MMs (the Sustainability Appraisal and Habitats Regulations Assessment Main Modifications Addendum) (DCCEX12). Overall, we are satisfied that the SA is proportionate, objective, underpinned by relevant and up to date evidence, and is compliant with legal requirements and national guidance.

### **Habitats Regulations Assessment**

21. The Plan was subject to a HRA during its preparation (DCC23) as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The HRA identifies that the Plan is compliant with the Habitats Regulations. It concludes that the Plan will not result in likely significant effects alone (or in combination) on protected sites. The MMs have also been subject to HRA (DCCEX12) reaching the same conclusions. Natural England expressed no concerns or objections to the HRA processes in any of its responses at the Regulation 19 and MMs consultation stages. Taking these things together



leads us to the view that the HRA is adequate, and thus forms a reasonable basis for the Plan's approach to these matters.

## Superseded Policies

22. Regulation 8 (5) of the 2012 Regulations sets out that where plans contain policies that are intended to supersede other policies in the adopted development plan, this fact should be stated, and the superseded policies must be identified. Appendix A of the Plan includes a table which explicitly states which policies are to be superseded or replaced by new policies in the Plan upon adoption. This requirement has therefore been met.
23. However, in some cases, it is unclear whether or not the policies of the Plan relate to either mineral development or waste development or both, and in this way the Plan is inconsistent with national policy (per paragraph 16 (d) of the NPPF). **MM1** is therefore necessary, which addresses this by amending the policy titles to make this explicitly clear. In doing so, the MM secures consistency with national policy in these terms. Consequential modifications are also needed to the Council's submission policies map (PM1 and PM2 of DCCEX11) to reflect this change. For the avoidance of doubt, when we refer to the Policies of the Plan in this report, we refer to their titles and reference numbers as amended by **MM1**.

## Climate Change

24. The development plan, taken as a whole, includes policies designed to secure that the development and use of land in the Plan area contributes to the mitigation of, and adaptation to, climate change. Strategic policies relating to this matter are contained in the CDP. Climate change is specifically addressed in the CDP's vision, objectives 16 and 17 and its Sustainable Development Statement. Furthermore, Policy 29 of the CDP is concerned with sustainable design and seeks to achieve zero carbon buildings and support renewable and low carbon energy generation.
25. In addition, this Plan includes policies relating to sustainable transport (including MW1, MW7, MW20, M3, M8 and the individual site allocations), and for the aftercare and restoration of minerals and waste sites, which taken together, and amongst other things could contribute to the mitigation of climate change.

## Other legal requirements

26. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## Conclusion

27. We therefore conclude that all relevant legal requirements have been complied with during the preparation of the Plan.

## Assessment of Soundness

### Main Issues

28. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified seven main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy or policy criterion in the Plan.

### **Issue 1 – Would the Plan facilitate an adequate supply of minerals (aggregates and crushed rock) in a manner consistent with the adopted development plan and national policy, and is the Plan positively prepared in this respect?**

29. The CDP vision seeks to ensure Durham remains an important source of minerals over the Plan period. Objective 20 of the CDP confirms the need to ensure a steady and adequate supply of both energy and non-energy minerals.
30. This is recognised by Policy M3 of the Plan which consistent with paragraph 211 of the NPPF, states that great weight will be given to the benefits of mineral extraction. Allocations are made in the Plan for mineral extraction at Thrislington West Quarry (Policy M21) and at Crime Rigg Quarry (Policy M22). These allocations are discussed in detail under Issue 3.

### Aggregates

31. County Durham is the largest producer of aggregates in the North East. Policies 49 and 50 of the CDP set out the amount of primary aggregates required over the Plan period and a locational approach to their supply based on the Joint Local Aggregate Assessment (LAA) for County Durham, Northumberland and Tyne & Wear (2018). The LAA was updated in April 2022 (DCC19) and informed the preparation of the Plan and was updated again in April 2023 (DCC31) after the Plan was submitted.
32. DCC19 and DCC31 use the rolling average of 10 years' sales data as the basis to calculate demand. Both also use a modified three-year sales approach to calculate demand. They use the most recent three-year period excluding 2020 sales because these were affected by the Covid-19 pandemic. DCC19 and

DCC31 both consider other relevant information and assess all supply options and overall, they are consistent with paragraph 213 (a) of the NPPF and follow the advice of the 'Minerals' Planning Practice Guidance (PPG). Both documents have been endorsed by the regional Aggregates Working Party and are robust assessments of resources within the Plan area.

33. Chapter 2 of the Plan provides an overview of minerals in County Durham based on the LAA. However, the submitted Plan includes outdated information in these regards, resulting in an ineffective basis for the Plan's policies on this matter. Consequently, **MM2** is needed in the interests of effectiveness to ensure the tonnages and years quoted reflect the most recent LAA (DCC31).
34. The CDP did not make any allocations for sand and gravel (Basal Permian, fluvial and glacial sand) because at the time of its preparation it was demonstrated that permitted reserves exceeded demand by some 2.195 million tonnes (2018 LAA). However, DCC19 shows permitted reserves have been worked faster than anticipated and that they were overestimated due to geological constraints. Site operators have also reported higher than expected sales increasing the annual demand requirement. Consequently, Table 1 of the Plan, informed by DCC19 concludes that allocations are needed to provide some 5.06 million tonnes of sand and gravel between 2021 and 2035.
35. Allocations are therefore made in the Plan for the winning and working of Basal Permian Sand at Thrislington Quarry (Policy M21) and at Crime Rigg Quarry (Policy M22). These are anticipated to provide for an additional 6.71 million tonnes of sand and gravel at a rate of production of up to 340,000 tonnes per year over the Plan period. These two allocations will therefore meet the demand and would ensure at least a seven-year landbank of sand and gravel is maintained as required by paragraph 213 (f) of the NPPF.
36. Other sites, which are currently being worked for these minerals are expected to cease production over the Plan period. This will mean production is concentrated on these two sites, particularly towards the end of the Plan period effecting the resilience of the supply. However, criterion 2 of Policy 51 of the CDP allows for non-allocated sites to be brought forward should they be required. Therefore, following the principle of monitor and manage, this will ensure flexibility and means that no further allocations need to be made in the Plan in order to meet any perceived supply shortfalls.

### **Crushed Rock**

37. There are three types of crushed rock produced in County Durham. These are magnesian limestone, carboniferous limestone and dolerite.

38. Policy 49 of the CDP based on the 2018 LAA and its information pertaining to permitted reserves required no further provision for magnesian limestone or dolerite extraction over the Plan period. However, the policy identifies that 14.3 million tonnes of carboniferous limestone would be necessary to supplement existing reserves to ensure this resource would not be depleted over the Plan period. The most recent LAAs (DCC19 and DCC31) show that the position with regard to magnesian and dolerite has not significantly changed since the adoption of the CDP but that provision remains required for 2.4 million tonnes of carboniferous limestone.
39. Against this background, Policy 58 of the CDP allocated land east of Hulands Quarry for further carboniferous limestone working. Subject to planning permission it is estimated this would produce around 300,000 tonnes of carboniferous limestone per annum. There is operator interest in bringing forward this allocation. Consequently, subject to the appropriate permissions, this existing allocation is sufficient to secure a steady and adequate supply of carboniferous limestone over the Plan period.
40. Overall, at the end of 2020 the LAA reported a crushed rock landbank of over 31 years. A 10-year landbank can therefore be demonstrated in accordance with paragraph 213 (f) of the NPPF and there is therefore no need to make any allocations for crushed rock in the Plan.

## **Conclusion**

41. Subject to the MM explained above and the allocations discussed under Issue 3, the Plan would facilitate an adequate supply of minerals in a manner consistent with the adopted development plan and national policy, and the Plan is positively prepared in this respect.

## **Issue 2 – Would the Plan make adequate provision for the management of waste in a manner consistent with development plan and national policies, and is the Plan positively prepared in this respect?**

42. Historically within the County, waste has been predominantly disposed of through landfill. This is mainly due to the large number of former quarries being traditionally restored through landfilling.
43. The National Planning Policy for Waste (NPPW) requires waste planning authorities to drive waste management up the waste hierarchy. Disposal of waste through landfill is the lowest tier in the hierarchy. Policies W16-W19 therefore compliment the strategic waste policies of the CDP and aim to drive waste management up the waste hierarchy.

44. The Plan allocates two sites (Policies W23 and W24) for inert waste disposal associated with minerals working restoration. These waste allocations are discussed in detail under Issue 3.

### **Policy W16 (Inert waste 'other recovery')**

45. The County Durham Waste Technical Paper (DCC30) explains that in County Durham, most construction, demolition and excavation waste (inert waste) generated over the Plan period that cannot be reused will need to be disposed of through landfilling. This will either be through existing landfill sites or as part of landfilling associated with the restoration of worked mineral sites.
46. In response, Policy W16 positively supports proposals which manage inert waste through other recovery. "Other recovery" is where waste can serve a useful purpose by replacing other materials that would otherwise have been used. Thus, consistent with national policy, Policy W16 seeks to drive the management of inert waste up the hierarchy through its use in activities that involve other recovery.
47. It is clear that the term "other recovery" is critical to the operation of Policy W16. However, although a definition is set out in a footnote to the justification text in the Plan, it is not clear what is meant by 'other recovery' in the policy text. This should be defined in the policy text so that it is explicitly clear how a decision maker should react when considering whether or not a proposal accords with Policy W16 or not. As drafted, though, Policy W16 is inconsistent with national policy (per paragraph 16 (d) of the NPPF), with an approach to 'other recovery' which is also not sufficiently justified.
48. Furthermore, DCC30 was published after the Plan was submitted. The contextual information in the Plan, in the form of tonnages of waste historically managed and projected should therefore be updated to reflect the most up to date evidence to provide an effective basis for monitoring.
49. **MM18** is therefore necessary, which would address all these issues in the interests of justification, effectiveness and ensuring consistency with national policy.

### **Policy W17 (Inert Waste Disposal via Landfill)**

50. The NPPW requires the waste planning authority to make adequate provision for waste disposal. Policy W17 therefore sets out the circumstances within which the disposal of new inert waste will be permitted through new or extended landfill sites.

51. Criterion 4 requires it to be demonstrated that proposals would not result in over provision of capacity which could lead to excessive importation from outside of the County. However, it is not clear how “excessive” would be assessed or measured. Instead, whether a proposal amounts to over provision depends on whether it can be demonstrated that it is necessary to be imported from outside the County or not. Furthermore, criterion 5 unnecessarily specifies the requirements for any restoration scheme when this is already covered in detail through Policy MW20 as amended. There is also no need for the final sentence of the policy to say all proposals should meet all requirements of Policy W17 as this is implicit in the preceding policy wording. Taken together, these considerations result in a policy which is ineffective.
52. Accordingly, these issues would all be addressed by **MM19** which is needed to ensure Policy W17 is effective.

### **Policy W18 (Non-Hazardous Landfill)**

53. Aycliffe Quarry East is County Durham’s only remaining non-hazardous landfill site. It is expected that solutions higher up the waste hierarchy will be found to manage this waste stream over the Plan period. However, this depends on the delivery of energy recovery and treatment capacity.
54. Policy W18 is read alongside Policy 60 of the CDP. The CDP policy requires proposals for new or enhanced waste management capacity to demonstrate either that they assist in meeting the identified need for new waste management capacity to manage specific waste streams over the Plan period, or that they meet an additional need which cannot be met by existing operational facilities within County Durham or the North East.
55. As explained in relation to Policy W17, whether a proposal amounts to over provision depends on whether it can be demonstrated that it is necessary to be imported from outside the County or not in line with the proximity principle. The use of the word “excessive” without definition in criterion 2 is therefore ineffective. Furthermore, the justification text should also cross-reference Policy 60 of the CDP, the strategic policy relevant to considering whether there is a waste management capacity need which cannot be met in County Durham or the North East.
56. Non-hazardous landfill produces landfill gas and operators are therefore required to seek approval of landfill gas management plans from the Environment Agency. This should be made explicitly clear in the justification text for effectiveness. Furthermore, the detail within Policy W18 with regard to restoration is unnecessary because this duplicates Policy MW20, contrary to the NPPF insofar as it requires plans to avoid unnecessary duplication (paragraph 16 (f)).

57. We therefore recommend **MM20**, which amends Policy W18 and its justification text in response to these issues. It is therefore necessary to secure effectiveness and consistency with national policy.

### **Policy W19 (Water Resources)**

58. The principal aquifer in the eastern part of County Durham is an important groundwater resource which is extracted for drinking water. If minerals and waste proposals are not appropriately managed, they have the potential to pollute and contaminate ground and surface water resources.
59. Policies 31 and 35 of the CDP are concerned with amenity, pollution and water management issues associated with all forms of development including minerals and waste. Policy W19 is read alongside these policies, but applies only where a proposal would involve landfill, landraise, or inert waste other recovery. However, it is not explicitly clear what type of proposals Policy W19 applies to resulting in an ineffective policy. Furthermore, the relationship between Policy W19 with CDP Policies 31 and 35 is not appropriately referred to in the justificatory text, which is another factor that inhibits effectiveness.
60. Moreover, the impacts on water resource captured by this policy differ to flood risk which is a separate issue. All developments are required to have regard to flood risk and this matter is covered in detail in this Plan in Policy MW1 and in Policy 35 of the CDP. However, this distinction is not drawn in the justification text which refers to flood risk issues. This results in ambiguity and thus ineffectiveness.
61. Paragraph 174 (e) of the NPPF is clear that planning policies should contribute to and enhance the natural environment by, amongst other things, preventing new development from contributing to unacceptable levels of water pollution; and that development should, wherever possible help to improve local environmental conditions such as water quality. As drafted the Plan fails to accord with these considerations or reflect relevant Environment Agency approaches to these matters at the planning application stage. This results in an ineffective policy position – particularly in terms of facilitating effective pre-application engagement (per paragraphs 39 to 42 of the NPPF).
62. Accordingly, in order to address the above soundness deficiencies **MM21** is necessary which deletes ambiguous references to flood risk, clarifies the type of development to which the policy relates, and emphasises the relationship with CDP policies, and the relevant Environment Agency Guidance. In these ways, the MM ensures effectiveness and consistency with national policy.

## Conclusion

63. Providing the MMs discussed above are made, the Plan would make adequate provision for the management of waste in a manner consistent with development plan and national policies, and the Plan is positively prepared in this respect.

### **Issue 3 – Are the Plan's allocations justified, effective and consistent with national policy and the adopted development plan?**

64. Allocations are made in the Plan for mineral working at Thrislington West Quarry (Policy M21) and at Crime Rigg Quarry (Policy M22). As discussed under Issue 1 these allocations seek to ensure a steady and adequate supply of Basal Permian sand by providing an additional 6.71 million tonnes within the Plan period. Although there is no shortfall, workings necessary to extract Basal Permian sand at Crime Rigg Quarry will also contribute to a steady and adequate supply of magnesian limestone.
65. As discussed under Issue 2 above, the Plan also identifies two site allocations for inert waste disposal, the first at Crime Rigg Quarry (Policy W23) and the second at Cold Knuckle Quarry (Policy W24). These sites are both existing mineral sites and the inert waste disposal will form part of their restoration.
66. All four allocations specify the point of access as via the existing access points when in fact there are number of different potential access points for each site and it is unclear which ones will be used. This is not effective, and MM is therefore needed to explicitly specify the point of access for each site for effectiveness. Furthermore, all four allocation policies specify requirements for restoration. This conflicts with NPPF paragraph 16 (f) because it is unnecessary when read alongside Policy MW20. Moreover, all four allocation policies require developers to demonstrate no unacceptable adverse effects without making specific reference to biodiversity, groundwater and the road network all of which are known constraints relevant to all sites which is ineffective. The justification text for all four allocation policies also fails to recognise that the Local Nature Recovery Strategy, although likely to be published during the Plan period, has not yet been completed. This is ambiguous and therefore ineffective.
67. **MM24 to MM27** would address all these matters ensuring Policies M21, M22, W23 and W24 are effective and consistent with national policy on these issues.

#### **Policy M21 (Site Specific Allocation at Thrislington West Quarry)**

68. Thrislington Quarry is an existing large Basal Permian sand and magnesian limestone quarry which is rail served via a spur off the east coast main line. It has been the principal producer of sand in the County for many years. The



current permission runs until January 2030 but permitted reserves of sand are anticipated to be exhausted during 2025.

69. Allocation of the site is consistent with the locational approach set out in Policy 50 of the CDP which prioritises extraction beneath the floor of existing quarries followed by lateral expansion. We note that the impact of the allocation on the Thrislington SAC has been assessed in the HRA and the risk of the impact on the integrity of the European site has been adequately ruled out.
70. The Plan therefore allocates some 18.5 hectares within and to the east of the existing operational void next to the A1(M). Based on the sand being worked at a rate of between 200,000 and 300,000 tonnes per annum, this would extend the life of the quarry to roughly 2045.
71. Overall, subject to **MM24**, Policy M21 and the allocation for mineral extraction is soundly based.

#### **Policy M22 (Site Specific Allocation Northern Extension to Crime Rigg Quarry)**

72. Crime Rigg is an existing medium sized quarry which produces magnesian limestone and Basal Permian sand. It is also used as an inert waste landfill site.
73. Around 9.5 hectares of land are allocated adjacent to the existing quarry. The allocation therefore accords with the locational approach of Policy 50 of the CDP and is estimated to facilitate the extraction of 910,000 tonnes of sand and 1,775,000 tonnes of overlying magnesian limestone. The site has been promoted by the existing quarry operator and is estimated to be worked at 40,000 tonnes and 100,000 tonnes per annum respectively extending the life of the quarry to between 2043 and 2045.
74. The Council's Landscape Assessment identifies that advance preparatory works such as screen mounding and tree planting would be necessary at this site – but this consideration is not reflected in the policy, which means that it is not justified in these terms. **MM25** addresses this and subject to it, Policy M22 and the allocation for mineral extraction is soundly based.
75. The Council will also need to modify its policies map on adoption to ensure the proposed allocation reflects the existing planning permission and includes the specific point of access as discussed above (PM1 of DCCEX11). Extracts of the Council's policies map are also included within the Plan and MM is therefore also needed to these maps in the interests of effectiveness [**MM30 & MM31**].

### **Policy W23 (Site Specific Allocation Inert Waste Disposal at Crime Rigg Quarry)**

76. The existing planning permission for mineral extraction at Crime Rigg requires restoration by 21 December 2024, and even if an extension of time was granted, it is estimated the existing void space would be exhausted by 2030.
77. The allocation is some 11 hectares and is an open void with perimeter mounding which forms part of the operational quarry and has been promoted by the quarry operator. Subject to the details and quality of the restoration it is estimated it could provide between 1.541 and 3.226 million cubic metres of inert void space. Based on the estimated importation of 200,000 tonnes of inert waste per annum this site would provide between 11.5 and 24 years capacity meeting inert waste disposal needs up to 2035 and potentially beyond the Plan period.
78. Crime Rigg Quarry is also a Site of Special Scientific Interest, but the lack of reference to Natural England's role in planning matters related to such sites results in an ineffective policy, which fails to accord with the NPPF's expectations (per paragraphs 39 to 42) relating to pre-application engagement and front-loading. Consequently, even though Natural England have not objected to the proposal, justification text should be added to make clear that any applicants should engage as early as possible with Natural England. Furthermore, given the known landscape context of the site, the lack of reference to necessary advance preparatory works such as screen mounding and tree planting results in a policy which is unjustified and ineffective.
79. Accordingly, **MM26** is necessary to address all these issues. Subject to it, Policy W23 and the allocation for waste disposal is soundly based.
80. As above, the Council will need to modify its policies map on adoption to ensure the proposed allocation reflects the existing planning permission and includes the specific point of access (PM1 of DCCEX11). Consequential modifications are also needed to the related map included in the Plan in the interests of effectiveness [**MM30 & MM31**]

### **Policy W24 (Site Specific Allocation Inert Waste Disposal at Cold Knuckle Quarry)**

81. Cold Knuckle Quarry forms part of the larger active minerals quarry known as Old Quarrington and Cold Knuckle Quarry. Restoration is already taking place through the permitted disposal of inert waste. Extant planning permissions require Cold Knuckle Quarry to be restored by July 2026.

82. The allocation is some 10.6 hectares and subject to the details of its restoration it is estimated that some 625,000 tonnes of inert waste could be accommodated. It would also enable the sale of one million tonnes of magnesian limestone which would have been used to achieve the approved restoration profile. Thus, the allocation would also avoid sterilisation of this mineral and contribute to a steady and adequate supply of crushed rock.
83. Advance preparatory works such as screen mounding and tree planting are required to respond to the landscape character of the site's surroundings. However, a lack of reference to these matters in the policy itself is unjustified, and references only to these issues in justification text results in ineffectiveness.
84. Accordingly, **MM27** is necessary to address these issues. Subject to it, Policy W24 and the allocation for waste disposal is soundly based.

## Conclusion

85. Subject to the MMs discussed above, the Plan's allocations are justified, effective and consistent with national policy and the adopted development plan.

## Issue 4 – Are the Plan's development management policies justified, effective and consistent with national policy?

86. Chapter 4 of the Plan sets out a number of development management policies for minerals and waste development.
87. Paragraph 4.4 of the Introduction explains how proposals will be determined in accordance with other plans. However, as drafted, the position of the development plan in the statutory decision-making scheme, and the status of certain documents is not accurately reflected, which results in an ineffective and unjustified policy position. Accordingly, **MM3** is necessary which clarifies the status of development plan documents and their role in the decision-making process and thus secures an effective and justified approach to this matter.
88. The introductory paragraphs of Chapter 4 also explain that applicants will be expected to engage with communities before planning applications are made for minerals and waste proposals. At the end of Chapter 4, justification text at paragraphs 4.97 and 4.98 explains the role of already established Local Liaison Groups in County Durham. However, this reads as justification text to Policy M11 which relates only to the periodic review of mineral planning permissions when this is not the case as the matter relates to all relevant policies. The reference results in an ineffective policy position on this issue. Moving these paragraphs to the introduction of Chapter 4 would make it clear that Local

Liaison Groups could potentially have a role in all matters covered by Policies MW1-M15, and M21 and M22.

89. Accordingly, **MM3** and **MM14** bring this change about and are therefore needed to ensure effectiveness.
90. The role of Local Liaison Groups and their relationship with relevant processes, including planning matters, are clearly set out in the Plan, and this is a justified approach. It follows that the incorporation of further references to Local Liaison Groups elsewhere in the Plan would not be necessary to achieve soundness, and that no further MM are therefore required on this issue.

### **Policy MW1 (General criteria for considering minerals and waste development)**

91. Policy MW1 sets out general criteria which all minerals and waste proposals must consider and demonstrate compliance with.
92. Criterion 1 requires developers to assess the effect of proposals on human health and amenity. However, this is ambiguous and thus contrary to paragraph 16 (d) of the NPPF. In order to rectify this, the policy should refer to the specific effects it is concerned with, which are visual impact, light pollution, air pollution, dust, noise, vibration, odour, vermin, birds and litter. Criterion 1 also states that separation distances will be required between minerals and waste development and residential properties and / or other sensitive receptors. However, the requirement for separation distances is drawn from the 'Minerals' PPG and relates only to minerals development. Furthermore, the term 'sensitive receptors' is too broad and without definition, and residential properties should be defined with reference to the Use Classes in the justification text. In response, Criterion 1 should be amended to address these issues and the related justification text should be modified to make clear that separation distances are only required where demonstrated through a technical assessment to be necessary to mitigate impacts. All these changes are necessary for effectiveness and to ensure a justified approach.
93. Justification text for criterion 2a which relates to landscape is given in paragraph 4.17. This requires proposals to avoid breaching local skylines. However, this is too rigid as any development could breach a skyline. No justification has been given for such a stringent approach, and the policy would be ineffective in these terms. Instead, proposals should assess impacts and have regard to effects on local skylines.
94. Criterion 2b relates to biodiversity and to ensure consistency with national policy (per paragraph 174 (d) NPPF) and effectiveness MM is needed to clarify impacts on biodiversity should be minimised and that a biodiversity net gain will be required. This MM is drafted to require a minimum of 10% net gain, which is

consistent with the relevant statutory requirements and means that proposals which meet that percentage would be compliant with this aspect of the policy. The use of the word “minimum” in this context does not therefore imply that the Plan’s expectations are more onerous than the relevant statutory requirements.

95. Criterion 2c requires proposals to assess impacts on the historic environment but does so in a manner that is inconsistent with national policy in terms of designated and non-designated assets. It also does not accord with the development plan in terms of the approach to the historic route of the Stockton and Darlington Railway. Consequently, to ensure consistency with national policy, the justification text should note this criterion applies to both non-designated and designated heritage assets and in cross referencing other related development plan policies it should also reference Policy 46 of the CDP, which is relevant to the historic railway.
96. Criterion 2d relates to surface water, ground water and flood risk. However, clarity is needed to establish that all water bodies will need to be considered and that any proposals will need to consider effects from the exploration through to the restoration phases to ensure consistency with national policy and effectiveness.
97. The strategic road network and public rights of way impacts are required to be considered under criterion 3. However, this does not take account of other routes used for recreational purposes such as the Sustrans and the Council’s network of Railway Paths (multi-user paths) the impact upon which should also be considered. It is thus inconsistent with national policy in these terms insofar as it expects plan-making to identify and pursue opportunities to promote walking and cycling (per paragraph 104 (c) NPPF). Moreover, criterion 3 should also set out what actions may be necessary if unacceptable adverse impacts are identified through assessment in the interests of effectiveness. Such measures could include diversions or stopping-up if it can be demonstrated there is no alternative mitigation. This should be clarified in the policy wording and justification text for effectiveness and to ensure consistency with national policy.
98. Paragraph 4.12 of the justification text says a health impact assessment will be necessary when there are specific health concerns. However, this could be too onerous and unnecessary in some circumstances, and this is not justified as a result. Therefore, in the interests of justification and effectiveness, the wording and supporting text should make clear that pre application advice should be sought from the Council’s Public Health Team to determine whether a health impact assessment is needed. Furthermore, amendment is necessary to clarify any assessment of health impact must be proportionate to the scale of development and should only be required where impacts are expected to be significant.

99. Subject to **MM4** which addresses all the issues identified above, Policy MW1, would be justified, effective and consistent with national policy. The wording of **MM4** has been adjusted from that consulted to incorporate minor changes relating to the PROW and multi-user path network. This adjustment has not altered how Policy MW1 would be applied as modified in any way, and its inclusion does not materially prejudice any interested parties' positions.

### **Policy M2 (Mineral Exploration)**

100. Although the geology of County Durham is generally well known, in some cases it is necessary to explore the precise extent and quality of resources. Policy M2 seeks to ensure mineral exploration takes place without unacceptable adverse impact on the environment or people, where planning permission is required.
101. However, the justification text at paragraph 4.41 of the Plan explains that safeguards will be put in place to mitigate any impacts identified without explaining what such safeguards would be, which results in an ineffective policy. Furthermore, the same paragraph and the associated footnote refer to permitted development under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) without giving full details of the relevant part and all the relevant classes – again this means that the policy is ineffective.
102. **MM5** would address these issues by adding justification text to clarify that planning conditions will be used to secure a number of relevant mitigations. It would also add the complete references to the GPDO to the footnote and Policy M2. **MM5** is therefore needed to ensure effectiveness.

### **Policy M3 (Benefits of Mineral Extraction)**

103. Consistent with paragraph 211 of the NPPF, Policy M3 makes clear that great weight will be given to the benefits of mineral extraction when considering minerals proposals. However, the justification text does not recognise that there could be benefits associated with mineral extraction which accrue through the operational phase of the development. **MM** is therefore needed to add this clarification in the interests of effectiveness (**MM6**).

### **Policy MW4 (Noise)**

104. Policy MW4 is applied alongside Policy 31 of the CDP which is concerned with amenity and pollution for all forms of development. Policy MW4 seeks to ensure noise impacts are assessed and plans are put in place to minimise and whenever possible remove noise emissions at source.
105. However, **MMs** are needed to ensure the terminology and standards specified in Policy MW4 are unambiguous (and thus accord with the NPPF at paragraph 16

(d)) and are consistent with national guidance<sup>3</sup>. Specifically, reference to locations should be replaced with the term “sensitive environmental sites” and the timing and thresholds should be aligned with the “appropriate standards for mineral operators for normal operations”. Whilst waste developments are not captured by the advice given in the ‘Minerals’ PPG, where such operations are an integral part of a wider minerals site it is justified for the relevant noise levels to apply to them. However, as drafted the policy does not reflect this position and is thus ineffective on this point. Accordingly, amendment is needed to clarify the policy position relating to waste operations that are not an integral part of minerals site activities.

106. For these reasons, **MM7** is necessary which addresses all of these issues in the interests of effectiveness and to ensure consistency with national policy.

### **Policy MW5 (Air Quality and Dust)**

107. Mineral and waste proposals have the potential to emit air quality pollutants and generate dust which if not managed can harm the environment and the amenity or health of people living nearby.

108. Paragraph 185 of the NPPF states planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Policy MW5 seeks to achieve this by requiring minerals and waste proposals to demonstrate they will not have adverse impacts in this regard.

109. However, as written it is not entirely clear how a development proposal or decision maker should react to Policy MW5 because it identifies a number of impacts without making it explicitly clear whether or not all or some of those impacts should be assessed or how they should be assessed.

110. Furthermore, it is not clear whether Policy MW5 is concerned with emissions associated with working at sites as well as those generated through vehicles travelling to and from them. The policy also fails to reference impacts on “residential properties” and “dust sensitive uses” making it inconsistent with the terminology of the PPG.

111. Moreover, the justification text makes specific reference to Nitrogen Dioxide and Particulates – PM10 and PM2.5. However, depending on the nature of the operation and site characteristics other pollutant types may also need to be

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<sup>3</sup> Guidance on the planning for mineral extraction in plan making and the application process - Paragraphs: 019, 020, 021 & 022 Reference ID: 27-019-20140306, Revision date: 06 03 2014

considered. This and the other above matters should be clarified in the interests of effectiveness.

112. **MM8** modifies the policy and its justification text to address these issues and is therefore needed for Policy MW5 to be effective and consistent with national policy.

### **Policy M6 (Blasting)**

113. Quarrying can require blasting operations in order to extract the resource. Policy M6 is to be applied alongside Policy 31 of the CDP which is concerned with amenity and pollution. Policy M6 seeks to ensure the impacts of blasting are limited and controlled to within acceptable levels. However, there are differing types of rock present in the County, and some are harder to blast effectively than others. The NPPF (paragraph 211 (c)) expects any unavoidable blasting vibrations to be controlled, mitigated or removed at source.

114. However, the policy and its supporting text do not make reference to the differing types of rock present in the area and the relative blasting considerations that might be relevant resulting in ineffectiveness. Consequently, amendments clarifying that the proposals should demonstrate blast vibration has been minimised informed by the specific material being extracted and site-specific circumstances are needed. Moreover, it should also be clarified in justification text that the precise acceptable level of peak particle velocity will be determined by the material being blasted as well as the blasting environment.

115. The relevant British Standards<sup>4</sup> set criteria for measuring, recording and analysing building vibration from vibration transmitted through the ground and for human exposure to vibration inside buildings. They are relevant to the consideration of such matters, but the Plan does not make adequate reference to them. Taken together with the other omissions referenced above, this also means that the policy is inconsistent with the NPPF in terms of the control, mitigation or removal of blasting vibrations. Consequently, these standards should be clearly referenced in the justification text in the interests of the policy's effectiveness. Furthermore, in line with those standards, the justification text should also clarify that Policy M6 is concerned with assessing the effects inside buildings.

116. **MM9** would address all these issues and is necessary to ensure Policy M6 is justified, effective and consistent with national policy.

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<sup>4</sup> BS 7385-2:1993 Evaluation and measurement for vibration in buildings - Guide to damage levels from groundborne vibration, 1993 & BS 6472-2:2008 Guide to evaluation of human exposure to vibration in buildings - Blast-induced vibration, 2008



### **Policy MW7 (Traffic and Transport)**

117. Policy MW7 seeks to ensure transport associated with minerals and waste proposals takes place safely and sustainably. It will be applied alongside Policy 21 (Delivering Sustainable Transport) of the CDP.

118. Criterion 2 and the associated justification text require developments to maximise the use of sustainable forms of transport. However, paragraphs 104 and 105 of the NPPF require opportunities to promote walking, cycling and public transport use are identified and pursued, and recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in plan-making.

119. Minerals can only be worked where they are found, in most cases these are remote countryside locations where walking, cycling and public transport use for people to access sites would not be practicable in the majority of cases. However, there can be opportunities to transport materials by rail, utilise new technologies for transportation and minimise emissions through ultra-low and low emission vehicles. Indeed, Thrislington West Quarry is served by a rail spur and loading facility. As drafted however, the policy is inconsistent with the NPPF (section 9) in terms of identifying and pursuing opportunities for sustainable transport solutions. Thus, to ensure consistency with national policy, the requirements for specific transport opportunities to be explored should be specified in the policy and sustainable transportation solutions should be 'encouraged'.

120. The justification text also refers to a traffic assessment whereas the policy wording refers to a transport assessment. This results in ambiguity, which is inconsistent with paragraph 16 (d) of the NPPF, and should be amended accordingly.

121. For these reasons, **MM10** is necessary and thus secures effectiveness and consistency with national policy.

### **Policy M8 (Mineral Rail Handling Facilities)**

122. Policy M8 sets out a permissive approach to mineral rail handling facilities. It replaces Policy 41 of the County Durham Minerals Local Plan (2000).

123. The justification text states the establishment of rail handling facilities to facilitate the importation of waste into County Durham will be resisted as this would be unlikely to meet the requirements of the proximity principle. However, other policies of the Plan will be used to determine whether or not it is appropriate to import waste. In the context of this specific policy, this statement is not positively prepared or justified as any application should be considered on

its merits. Accordingly, this statement should be deleted and **MM11** is therefore necessary, which brings about this change and secures positive preparation and a justified policy position.

### **Policy M10 (Ancillary Minerals Related Infrastructure)**

124. Minerals and waste developments usually require a variety of ancillary development such as buildings, plant and machinery. Policy M10 sets out a framework for considering development proposals for both temporary and permanent development where planning permission is required. However, as written it is unclear whether proposals need to comply with all or just some of the criteria listed in the policy or which specific criteria relate to temporary or permanent development or both. This results in an ineffective policy position. Accordingly, **MM12** is necessary which addresses this in the interests of effectiveness.

### **Policy M11 (Periodic Review of Mineral Planning Permissions)**

125. The Minerals Technical Paper identifies many active and dormant mineral extraction sites in County Durham. The 'Minerals' PPG<sup>5</sup> advises on the circumstances within which any periodic review must be undertaken. Policy M11, in-line with the PPG, makes clear that any review would involve the submission of an updated scheme of conditions and sets out what the Council would expect them to address. Policy M11 also notes that any schedule of conditions would likely include a restoration scheme.

126. However, it is ineffective for Policy M11 to specify any scheme of restoration should be high quality because the detailed requirements for restoration schemes are set out in Policy MW20. The unnecessary repetition of these requirements also results in ambiguity contrary to paragraph 16 (d) and (f) of the NPPF. Furthermore, the direct relationship with Policy MW20 in setting out the detailed requirements for restoration schemes as part of any periodic review is not currently clear, again meaning that the Plan is ineffective in these terms. It follows that this relationship should be made explicitly clear in the justification text. Accordingly, **MM13** is necessary, which makes the required changes in the interests of effectiveness and to secure consistency with national policy.

### **Conclusion**

127. Subject to the MMs explained above the Plan's development management policies are justified, effective and consistent with national policy.

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<sup>5</sup> Paragraph: 189 Reference ID: 27-189-20140306 Revision date: 06 03 2014

**Issue 5 – Does the Plan set out a justified and effective set of policies relating to other minerals, oil and gas, and other resources; and is the Plan consistent with national policy in these respects?**

128. The supply of industrial minerals including raw materials for brick making and high-grade dolomite are addressed by Policies 52 and 57 of the CDP and are not within the scope of the Plan. Other minerals such as vein minerals, metalliferous minerals, lithium and silica sand are within the scope of the Plan.

**Policy M12 (Oil and Gas Exploration, Appraisal and Production)**

129. County Durham does not have any history of conventional or unconventional oil or gas exploration. Neither resource has ever been produced in the County. Most oil and gas operations require Petroleum Exploration and Development Licences which are issued by the Department for Energy Security and Net Zero. There are no such licences in County Durham.

130. However, this does not mean that the potential for oil and gas would not be explored over the Plan period. Paragraph 215 (a) of the NPPF requires mineral planning authorities to plan positively for the exploration, appraisal and production of oil and gas. Policy M12 therefore sets out a positive framework for planning for these three phases of development in-line with paragraph 215 (a) of the NPPF.

131. A Climate Change Emergency has been declared in County Durham. This requires the mitigation of greenhouse emissions as far as possible and where there are residual emissions, measures will be necessary to offset these.

132. Criterion b recognises the Climate Change Emergency and states that proposals will need to demonstrate that they mitigate emissions as far as possible and offset residual emissions. However, it is unclear as to what this might entail, and what emissions would be in scope, and it thus results in an ineffective policy position. Instead, in order to be effective, it should be clarified that proposals should reduce emissions to the absolute minimum necessary before considering off-setting. On this basis, the wording of Criterion b should be amended in the interests of effectiveness. Furthermore, the Climate Change Emergency Declaration forms part of the evidence base for Policy M12, but the lack of a detailed reference in the justification text means that the Plan is unjustified in these terms.

133. A decision maker would require a developer to submit detailed evidence in response to criterion b of M12. There also could be many ways within which residual emissions could be offset. However, what should be submitted and what measures may be acceptable are unclear and thus contrary to paragraph

16 (d) of the NPPF. A MM is therefore needed to the justification to explain that a Carbon Emissions Management Scheme should be submitted and give examples of the type of measures which may be considered for off-setting residual emissions cross referencing relevant policies of the Plan, which would give the requisite clarity.

134. **MM15** would address these issues. We recommend it accordingly to ensure Policy M12 is justified, effective and consistent with national policy.

### **Policy M13 (Transport of Oil and Gas)**

135. Oil and gas are usually transported by pipelines. Proposals for pipelines of 10 metres in length or more are determined by the Secretary of State under the Pipelines Act 1962. However, pipelines of less than 10 metres require planning permission from the Council. Policy M13 therefore sets out a framework for determining any such proposals.

136. The policy requires pipelines to be placed underground. However, there may be some circumstances where this is not practicable. For example, due to archaeology, the presence of water courses, legal issues or economic constraints. The requirement is therefore unjustified, and instances where above ground pipes may be appropriate should be referenced. Furthermore, pipelines also need to be decommissioned when no longer needed and this should also be recognised by adding justification text and cross-referencing Policy MW20, as the current drafting of this policy is ineffective on this matter. **MM16** is therefore necessary which resolves these issues in the interests of effectiveness and justification.

### **Policy M14 (Vein Minerals, Metalliferous Minerals, Lithium and Silica Sand)**

137. Vein minerals (fluorspar and barytes) and zinc are known to be present in the North Pennines. However, County Durham's last fluorspar mine closed in 1999 and the most recent open pit barytes workings ceased in 2002. Zinc, a metalliferous mineral, was last worked in adjoining Cumbria in 1968. No sites have been promoted for working these vein minerals through the preparation of the Plan.

138. Northern Lithium has started exploring for this resource in Weardale as its understood to be present in ground water associated with Weardale Granite deep below the North Pennines. Before now, due to the required technology necessary and associated costs, exploration for lithium potential in the UK has been limited.

139. Silica sand is an essential raw material for glass making and specialist horticultural and industrial processes. There are known silica sand resources in

County Durham in the Millstone Grit. However, the only quarry in the County closed in 2011 due to a lack of demand, and it is currently unknown whether or not the silica sand resource present in the Plan area would meet the current industry specifications for relevant uses.

140. Barytes and fluorspar are identified on the European Union's fourth list of critical minerals. Lithium is identified on the European Union's fourth list of critical raw materials and has been identified as a UK strategic metal. Growing demand matched with a national depletion in easily won opportunities, means there could be interest in exploring the potential for working barytes, fluorspar and lithium in the Plan area over the Plan period.
141. Paragraph 210 (a) of the NPPF states that planning policies should provide for the extraction of mineral resources of local and national importance. Paragraph 214 (a) of the NPPF says that minerals planning authorities should plan for a steady and adequate supply of industrial minerals by, among other things, co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes.
142. Policy M14 of the Plan sets out a criteria-based approach to assessing any proposals for vein minerals, metalliferous minerals, lithium and silica sand. Whilst there is no certainty, there is clearly potential for proposals to come forward over the Plan period to extract the resources covered by Policy M14, which are clearly of national and international importance. Due to the lack of any definitive proposals or sites, there is no need for the Plan to make allocations relating to these resources, and the principle of a criteria-based policy which supports such developments is therefore justified.
143. However, many proposals for exploring the potential for these resources would be permitted development under the GPDO. Furthermore, Policy M2 (Mineral Exploration) would also be directly applicable to any proposals for exploration and provides a positive framework. As drafted, however, Policy M14 lacks specific reference to these important considerations and is ineffective as a result. Therefore, both the GPDO and Policy M2 should be cross referenced in the justification text in the interests of effectiveness.
144. Criterion 1c of Policy M14 says the Council will seek to ensure that great weight will be given to the benefits of extraction. However, to ensure consistency with Policy M3 and national policy, it should simply say that great weight will be given to benefits of extraction. Furthermore, some proposals will provide the feedstock for downstream industries which can support economic growth. Therefore, Policy M14 should also be modified to recognise that such considerations carry significant weight in line with paragraph 81 of the NPPF.

145. Part 1 of Policy M14 relates to all vein minerals, metalliferous minerals, lithium and silica sand whereas part 2 seems to relate only to lithium in recognition of the associated complexity of the processes for its exploration and extraction. However, this is not explicitly clear and should be clarified.

146. Furthermore, lithium extraction requires well-sites, site infrastructure and ancillary development necessary to undertake processes which differ from those necessary to explore and extract other types of resources considered in the Plan and this is not fully reflected in Policy M14. Moreover, Policy M14 unnecessarily provides details of decommissioning, restoration and aftercare when Policy MW20 sets out such requirements in detail. These considerations mean that the policy is ineffective in these terms.

147. These issues are all addressed by **MM17**, which is necessary for effectiveness and to achieve consistency with national policy.

## **Conclusion**

148. Subject to the MMs explained above the Plan sets out a justified and effective set of policies relating to other minerals, oil and gas, and other resources; and the Plan is consistent with national policy in these respects.

## **Issue 6 – Is the Plan’s policy relating to site restoration and aftercare, justified, effective and consistent with national policy?**

### **Policy MW20 (Mineral Site Restoration, Landfill and Landraise)**

149. Paragraph 210 (h) of the NPPF states planning policies should ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

150. Policy MW20 applies to all mineral working proposals and is also applicable to landfill and landraise as temporary forms of waste development. It sets out how sites will be expected to be restored and what information will be necessary to ensure appropriate restoration takes place.

151. However, to ensure consistency with national policy (per paragraph 210(h) of NPPF) references to restoration and aftercare, should set out a requirement for ‘high-quality schemes’. Schemes could vary significantly based on the site circumstances and the duration of any operations. They may or may not include decommissioning for example. Schemes should therefore be reflective of site circumstances and be proportionate. This should be clarified in the justification text for effectiveness.

152. Furthermore, MM is also needed to explain in the policy and justification text that a 10% biodiversity net gain is required and not just net gain in line with the Environment Act 2021 which came into effect during the examination. Although not specified in the Act as a 10% minimum, the use of the word “minimum” reflects that 10% is not an absolute requirement and higher levels of biodiversity net gain may be possible and appropriate in some cases having regard to the full circumstances of any proposal and proposed restoration scheme.
153. Moreover, whilst any restoration should reasonably take account of a Local Nature Recovery Strategy, this has not yet been finalised for the Plan area. Thus, the justification text should be amended to reflect this position in the interests of effectiveness.
154. In line with the PPG<sup>6</sup> the justification text makes clear that a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. However, the PPG goes on to say, 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, it should not be necessary for a minerals planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances. This should also be made clear in the justification text of the Plan to ensure consistency with national policy.
155. **MM22** addresses all these issues and is therefore necessary to ensure Policy MW20 is justified, effective and consistent with national policy.

## Conclusion

156. Subject to the MMs discussed above the Plan's policy relating to site restoration and aftercare is justified, effective and consistent with national policy.

## Issue 7 – Does the Plan provide a justified and effective monitoring and implementation framework?

157. Monitoring arrangements relating to the strategic aspects of minerals and waste matters are included in the CDP. The monitoring and implementation framework set out in the Plan is focused on assessing the continuing effectiveness of its non-strategic policies. However, as presented the relationship between the Plan's arrangements in these regards and those of the CDP are unclear. Neither is it abundantly clear how the triggers for action have been arrived at, or their relevance to the policy to be monitored. Moreover, terms relating to a 'significant increase' in enforcement action, or a 'significant

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<sup>6</sup> Planning Practice Guidance Minerals - Paragraph: 048 Reference ID: 27-048-20140306, 06032014

decrease' in void space are ambiguous and thus render their related triggers for action ineffective.

158. Taken together, these matters mean that the monitoring and implementation arrangements are ineffective. Consequently, in order to ensure effectiveness in these terms, **MM28** is required, which firstly, introduces further explanatory text on the relationship of the CDP monitoring arrangements to those of the Plan; secondly, makes clear how documents such as the LAA and the Environment Agency's Waste Data Interrogator will be taken into account; thirdly, explains the reasoning behind the thresholds for the triggers for action; and fourthly, adds further detail as to what will trigger actions in relation to increases in enforcement action, and decreases in void space. It follows that this MM would secure effectiveness in these regards.

159. Circumstances relating to lithium are in a period of rapid change both in the context of the potential to exploit the resource in the County, and in terms of its status as a mineral of national importance. However, the Plan does not set out explicit monitoring arrangements for lithium in particular, or other minerals of national importance more generally. As a result the Plan is not effective in these terms, and in these respects is also at variance with the NPPF insofar as it expects reviews of policies to be underpinned by relevant and up-to-date evidence (at paragraph 31), that policies should enable a rapid response to economic circumstances (at paragraph 82 (d)), and that a steady and adequate supply of industrial minerals should be planned for (at paragraph 214). As a consequence, **MM28** is necessary which would introduce text explaining the sources of information that would be relevant to these minerals, and how they would be assessed as part of wider monitoring activity. It follows that the MM is required to ensure that the Plan's monitoring arrangements are effective and consistent with national policy.

160. Furthermore, the indicator for measuring the effectiveness of Policies MW4 and MW5 relies on monitoring enforcement action. However, what would constitute a "significant" increase in enforcement associated with noise/dust/blasting is ambiguous and incapable of accurate measurement. Consequently, the indicator is ineffective. **MM29** would address this by amending the indicator to an annual increase of 100% which is unambiguous, measurable and therefore effective.

## Conclusion

161. For the reasons set out above, and subject to the MMs, the Plan would provide a justified and effective monitoring and implementation framework.



## **Overall Conclusion and Recommendation**

162. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

163. The Council has requested that we recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. We conclude that the DtC has been met and that with the recommended MMs set out in the Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*L Fleming and G J Fort*

INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.

## Appendix – Main Modifications

How Changes have been shown in this document:

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

~~Strikethrough text~~ = deleted text.

**Underlined and bold text** = additional text.

Policy numbers - Changes to Policy numbers have been shown in the modification columns.

Paragraph numbers - Changes to paragraph numbers are not shown in the modification column. Where new paragraphs have been added they are shown using an alphabetised list to follow the Plan (DCC13) paragraph numbers i.e. (new paragraph) 4.10a. At this stage of Plan preparation, updated paragraph numbers are currently shown only in the track changes version which is for reference purposes only.

Footnotes- Where new (or moved) footnotes are proposed the symbology <sup>fn</sup> has been used and the footnote is set out below the paragraph that it relates to. At this stage of Plan preparation updated paragraph numbers are currently shown only in the track changes version which is for reference only.

In a number of instances proposed additional modifications (AM's) are also shown below. This is where the AM's are in nearby parts of the Policy or supporting text.

MM1 Policy Numbering

Mod Ref	Page	Policy or paragraph	Modifications
MM1	All applicable pages of Plan and Policies Map	Policy Numbers on Contents Page, Policy Numbers in all applicable policies, in supporting text and tables.	<p>Policy <del>MW</del>2 - Mineral Exploration                      Policy <del>MW</del>3 - Benefits of Minerals Extraction                      Policy <del>MW</del>6 – Blasting                      Policy <del>MW</del>8 - Mineral Rail Handling Facilities                      Policy <del>MW</del>9 - Borrow Pits                      Policy <del>MW</del>10 - Ancillary Minerals Related Infrastructure                      Policy <del>MW</del>11 - Periodic Review of Mineral Planning Permissions                      Policy <del>MW</del>12 - Oil and Gas Exploration, Appraisal and Production                      Policy <del>MW</del>13 - Transport of Oil and Gas                      Policy <del>MW</del>14 - Vein Minerals, Metalliferous minerals, Lithium and Silica Sand                      Policy <del>MW</del>15 – Peat                      Policy <del>MW</del>16 - Inert waste ‘other recovery’                      Policy <del>MW</del>17 - Inert Waste Disposal via landfill                      Policy <del>MW</del>18 - Non-Hazardous Landfill                      Policy <del>MW</del>19 - Water Resources - <b><u>Landfill, Landraise and Inert Waste Other Recovery</u></b>                      Policy <del>MW</del>21 - Site Specific Allocation at Thrislington West Quarry                      Policy <del>MW</del>22 - Site Specific Allocation Northern Extension to Crime Rigg Quarry                      Policy <del>MW</del>23 - Site Specific Allocation Inert Waste Disposal at Crime Rigg Quarry                      Policy <del>MW</del>24 - Site Specific Allocation Inert Waste Disposal at Cold Knuckle Quarry</p>

MM2 Chapter 2 Paragraphs 2.8 and 2.10

Mod Ref	Page	Policy or paragraph	Modifications
MM2	12/13	2.8 and 2.10	<p>2.8 County Durham is the largest producer of aggregates in the <del>North East</del> <b>North East</b> 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 <del>2021</del> <b>2020</b>, the last year for which information is currently available, approximately <del>3,220,000</del> <b>2,643,000</b> tonnes of crushed rock and <del>553,000</del> <b>438,000</b> tonnes of sand and gravel were won from County Durham's hard rock and sand and gravel quarries. Other minerals won in <del>2021</del> <b>2020</b> included sufficient brick making raw materials to supply two of the regions three remaining brick works <del>and</del> <b>and</b> , quantities of building stone. <del>No</del> <b>and</b> coal <del>was won, as</del> <b>was won, as</b> from two of the remaining <del>all former</del> <b>all former</b> surface coal mining sites in <del>County Durham</del> <b>County Durham</b> the region both of which are now in aftercare.</p> <p>2.10 In <del>2021</del> <b>2020</b>, the last year for which information is currently available, County Durham's existing waste management facilities received approximately 2 million tonnes of waste.....</p>

MM3 Chapter 4 Paragraphs 4.4 to 4.10

Mod Ref	Page	Policy or paragraph	Modifications
MM3	17	4.4	<p>4.4 Mineral and waste developments within the county requiring planning permission must therefore be determined in accordance with the policies contained within the <del>GDP</del> <b>County Durham Plan</b> and the M&amp;WDPD unless material considerations, <del>which will include national planning policy</del>, indicate otherwise. <del>Following adoption of the M&amp;WDPD, the statutory development plan comprises of the County Durham Plan, the M&amp;WDPD and made Neighbourhood Plans.</del> <b>Following adoption of the M&amp;WDPD, the statutory development plan comprises of the County Durham Plan, the M&amp;WDPD and made Neighbourhood Plans.</b> In addition, while <del>While</del> <b>While</b> generally not relevant to minerals and waste</p>

			development regard must be had to any designations and allocations in Neighbourhood Plans. <b><u>The provisions of the statutory development plan should therefore be read as a whole.</u></b>
	18	Following paragraph 4.10	<p><b><u>Local Liaison Groups</u></b></p> <p>(New paragraph 4.10a) <b><u>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 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.</u></b></p> <p>(New paragraph 4.10b) <b><u>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.</u></b></p>

MM4 Policy MW1 - General criteria for considering minerals and waste development

Mod Ref	Page	Policy or paragraph	Modifications
MM4	19-26	MW1, 4.12, 4.13, 4.14, 4.17,	1. Human Health and the Amenity of local communities <b><u>as a result of visual impact, light pollution, air pollution and dust, noise, vibration, odour, vermin and birds and litter.</u></b> Where appropriate, separation distances will be required <b><u>between proposals for</u></b> minerals

		<p>4.18, 4.19, 4.20, 4.21, 4.22, 4.24, 4.29 and 4.30</p>	<p><del>extraction and waste developments and occupied residential properties</del> <b><u>when shown to be necessary by a technical assessment</u></b> <del>and other sensitive receptors;</del></p> <p>2b. Biodiversity and geodiversity including nationally and locally protected sites, protected and priority species and habitats, and trees, woodlands and hedges. <b><u>Proposals should minimise impacts on and provide for a minimum 10% net gain for biodiversity;</u></b></p> <p>2d. Surface water<sup>fn</sup>, groundwater and flood risk. <b><u>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;</u></b></p> <p><sup>Fn</sup> <b><u>Including all water bodies for example rivers, canals, lakes, estuaries and coastal waters.</u></b></p> <p>3. The Local and Strategic Road Network and the <del>public rights of way network</del> <b><u>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;</u></b></p> <p>4.12 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</p>
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		<p>development and in some cases these assessments will form part of an Environmental Impact Assessment. <del>Where there are specific concerns in relation to health a Health Impact Assessment should also be undertaken.</del> <b><u>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.</u></b></p> <p>Paragraph 4.13 bullet 3.</p> <ul style="list-style-type: none"> <li>• Air pollution - If not, properly controlled, increases in air pollutants can have harmful effects on human health and the <del>natural and historic</del> 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 <u>planning validation requirements</u> 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.</li> </ul> <p>4.14 In order to minimise unacceptable adverse impacts on the amenity of local communities, separation distances between proposed development <b><u>mineral extraction activities</u></b> and occupied residential dwellings <b><u>properties</u></b> and other similar sensitive receptors such as <b><u>(falling in Use Class C of the Town and Country Planning (Use Classes) Order 1987 (as amended))</u></b> <del>care homes and also schools</del> which could be impacted may be required. In line with the 'Minerals' PPG14. Separation <b><u>separation</u></b> distances <b><u>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</u></b> should be determined on a site-specific basis and</p>
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		<p>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, <del>weight</del> <b>consideration</b> will also be given to the need to avoid undue sterilisation of mineral resources in decision making.</p> <p>4.17 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, <del>avoiding breaching</del> <b>having regard to effect on</b> 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 <u>planning validation requirements</u> where landscape impacts are likely a Landscape and Visual Impact Assessment will be required.</p> <p>4.18 County Durham contains extensive areas which are protected because of their importance to biodiversity<sup>FN</sup> and geodiversity<sup>FN</sup>. Consideration of adverse impacts should be in in conjunction with County Durham Plan Policy 40 (Trees, Woodlands and Hedges), Policy 41 (Biodiversity and Geodiversity), <del>Policy 41 (Trees, Woodlands and Hedges)</del>, (Policy 42 (Internationally Designated Sites) and Policy 43 (Protected Species and Nationally and Locally Protected Sites). <b><u>Where relevant consideration should be given to the Council's Biodiversity Supplementary Planning Document (once prepared).</u></b></p> <p><b><u>FN Biodiversity: The whole variety of life encompassing all genetics, species and ecosystem variations, including plants and animals. FN Geodiversity is the range of rocks, minerals, fossils, soils and landforms.</u></b></p>
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		<p>4.19 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 <b>minimise impacts on biodiversity</b> <del>avoid the loss of, or damage to, habitats</del> and also <del>retain them and</del> 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.</p> <p>4.20 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 the County Durham Local Nature Recovery Strategy (once prepared). Applicants will be required to demonstrate that their proposal will deliver <b>a minimum 10%</b> net gain for biodiversity <b>in line with the requirements of the Environment Act 2021</b>. 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<sup>15</sup>. Policy MW20 (Mineral Site Restoration, Landfill and Landraise) has been prepared to address the restoration and after use of mineral, landfill and landraise sites.</p> <p>4.21 County Durham has a rich <b>and highly varied</b> historic environment <b>of designated and non-designated heritage</b> 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), <b>Policy 46 (Stockton and Darlington Railway)</b> and Historic</p>
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		<p>England's <b><u>good practice advice including that on the Setting of Heritage Assets<sup>fn</sup> and Mineral Extraction and Archaeology Advice Note 13<sup>16</sup>.</u></b></p> <p>New footnote (fn): <b><u><a href="https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heaq180-gpa3-setting-heritage-assets/">https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heaq180-gpa3-setting-heritage-assets/</a></u></b></p> <p>4.22 Applicants will be required to demonstrate that the proposal is acceptable in relation to impacts on the County's historic environment in terms sustaining, <del>conserving and/or</del> enhancing <b><u>their</u></b> significance and setting commensurate with their <del>statutory</del> <b><u>heritage</u></b> status and the protection afforded to them by relevant <del>County Durham Plan</del> <b><u>development plan</u></b> and <b><u>the requirements of the NPPF</u></b>. 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.</p> <p>4.24 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.</p> <p>(New paragraph 4.24a): <b><u>Minerals and waste developments have the potential to pollute surface and groundwater resources if operations are not effectively controlled and monitored.</u></b> <del>Mineral working by its very nature can result in the removal of limestones and sand which form part of aquifers.</del> Assessment of risks including cumulative risk to groundwater for</p>
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		<p>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 MW19 (Water Resources <b><u>-Landfill, Landraise and Inert Waste Other Recovery</u></b>).</p> <p>New paragraph (4.24b): <b><u>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.</u></b></p> <p>(New paragraph 4.24c) <b><u>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.</u></b></p>
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		<p>(New paragraph 4.25a) <b><u>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<sup>fn</sup>.</u></b></p> <p><b><u>F<sup>n</sup> <a href="http://mapapps2.bgs.ac.uk/coalauthority/home.html">http://mapapps2.bgs.ac.uk/coalauthority/home.html</a></u></b></p> <p>The Local and Strategic Road Network and the Public Rights of Way <b><u>and Multi User Path</u></b> Network</p> <p>4.29 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 MW8 (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 <b><u>PROW</u></b> <del>Public Rights of Way</del> 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 <del>footpath</del> <b><u>multi-user</u></b> path<sup>fn</sup> network.</p>
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			<p><b><u>F<sup>n</sup> 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.</u></b></p> <p>4.30 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 County's Public Rights of Way (PROW) <b><u>and multi user path</u></b> network which will also impact on recreational amenity. Where proposals will adversely affect existing PROW and <b><u>multi user paths</u></b>, adequate arrangements will be required for <del>their</del> <b><u>the</u></b> continued use of PROW <b><u>and multi user paths</u></b> 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. <del>Formal stopping</del> <b><u>Stopping</u></b> up of PROWs <b><u>and multi user paths</u></b> should be avoided, unless it can be demonstrated that there are no alternatives.</p>
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MM5 Policy MW2 - Mineral Exploration

Mod Ref	Page	Policy or paragraph	Modifications
MM5	29	4.41 and footnote 24	<p>MW2 – Mineral Exploration</p> <p>4.41 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<sup>24</sup> However, where the proposed mineral exploration is not classed as ‘permitted <b><u>development</u></b>’ and planning permission is sought, it is important for <b><u>satisfactory</u></b> safeguards to be in place to minimise the environmental, amenity and long-term impacts of the development. <b><u>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</u></b></p>

			<p><b><u>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.</u></b></p> <p><sup>24</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 <b><u>(as amended) Part 17 Mining and Mineral Exploration.</u></b> Class J – temporary use of land etc for mineral exploration. <b><u>Class K – use of land etc for mineral exploration.</u></b></p>
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MM6 Policy MW3 - Benefits of Minerals Extraction

Mod Ref	Page	Policy or paragraph	Modifications
MM6	30/31	4.43, 4.45, 4.46	<p>Policy MW3– Benefits of Mineral Extraction</p> <p>4.43 .... For the Council to give great weight to the benefits of mineral extraction (except in relation to proposals for coal extraction<sup>25</sup>) in the decision-making process the applicant <del>will</del> <b><u>should explain</u></b> <del>need to demonstrate they relate directly to the benefits arising from the proposed development and sufficient evidence will need to be provided to enable the Council to assess the nature and significance of the benefits.</del></p> <p>4.45 .... Such proposals will also result in wages and other money being spent in the local economy <del>including business rates.</del> The....</p> <p>4.46 Environmental benefits of minerals extraction relate mainly to the benefits that can be provided through enhancements to the environment through the restoration and <del>after use</del> <b><u>after use</u></b> of mineral sites, <b><u>although it is recognised that some benefits could accrue through the various forms of mitigation measures which could be required through</u></b></p>

			<b><u>the operational phase of minerals development including landscaping and planting which would have biodiversity benefits.</u></b> Given ....
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MM7 Policy MW4 - Noise

Mod Ref	Page	Policy or paragraph	Modifications
MM7	32/33	MW4	<p>1. Proposals for minerals <u>developments</u> 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 site, will be permitted where the operator can demonstrate that noise levels at specifically identified noise-sensitive properties and <del>locations</del> <b><u>sensitive environmental sites</u></b> 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:</p> <ul style="list-style-type: none"> <li>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);</li> <li>b. During the evening <b><u>period</u></b> (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);</li> <li>c. <del>Between</del><b><u>During</u></b> the <b><u>night time</u></b> 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;</li> </ul>

			<p>d. Where the site noise has a significant tonal element <b><u>specific limits may be required, and where site operations have a peak or impulsive noise element,</u></b> separate limits may <b><u>also be required to</u></b> be set independent of background noise and <b><u>they</u></b> will not be allowed to occur regularly at night; and</p> <p>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 <del>weekday daytime</del> <b><u>working</u></b> hours and will be permitted for no more than eight weeks a year. Where work is likely to take longer than <del>8</del><b><u>eight</u></b> 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.</p> <p>2. Proposals for ancillary minerals development which do not form part of a mineral <b><u>extraction</u></b> <del>working-operation</del> <b><u>at a mineral site</u></b> and all other waste development, <b><u>excluding waste recycling and disposal operations that form an integral part of a minerals site,</u></b> will be permitted where <del>the operator</del> <b><u>it</u></b> can <b><u>be demonstrated</u></b> that noise levels<sup>27</sup> arising from the development at specifically identified noise-sensitive properties and <del>locations</del> <b><u>sensitive environmental sites</u></b> do not exceed the following:</p>
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MM8 Policy MW5 - Air Quality and Dust

Mod Ref	Page	Policy or paragraph	Modifications
MM8	35	MW5, 4.55 and 4.59	Proposals for minerals <del>s</del> and waste development will <del>only</del> be permitted where it can be demonstrated that the proposed development will not have an unacceptable adverse



		<p>impact either individually or cumulatively on the environment, local amenity or human health through:</p> <p><b>1. Through the emission of one or more air quality pollutants <u>including those associated with vehicle emissions, and point sources of pollution</u> which would result in adverse impacts on air quality <u>expose people to harmful concentrations of air pollutants and/or have an unacceptable adverse impact on biodiversity and/or have and unacceptable adverse impact</u> on any Air Quality Management Area within the County;</b></p> <p><b>2. or as <u>As a result of dust emissions from dust generating activities from within a site upon residential properties and other dust sensitive land uses.</u></b></p> <p>4.55 .... operated on sites. <b><u>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.</u></b></p> <p>4.59 Where dust emissions are likely to arise <b><u>from site operations which include the transport of minerals and waste</u></b>, as far as possible dust generating activities should be located away from residential properties and other sensitive land uses.....</p>
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MM9 Policy MW6 - Blasting.

Modification Reference	Page	Policy Paragraph	Main Modification
MM9	38	MW6, paragraphs 4.63, 4.64 and footnotes 33 and 34	<p>Policy MW6 – Blasting</p> <p>Proposals for minerals working will be permitted where the operator can demonstrate that, where blasting is required, <b><u>blast vibration has been minimised and that</u></b> 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. <del>Ground vibration affecting people when measured at monitoring locations should not normally exceed peak particle</del></p>

		<p>velocities of 6 mm/second unless geological and/or geographical circumstances require a higher level to be agreed. Applications for mineral working should be accompanied by a blasting and vibration monitoring scheme.</p> <p>4.63 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. <b><u>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.....</u></b></p> <p>4.63 ..... 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 <b><u>and key infrastructure such as the A1(M)</u></b>, lower limits will generally be required. Similarly, due to geological characteristics, some rock types which are softer, <b><u>for example magnesian limestone and</u></b> are considered easier to blast than others, <b><u>such as the carboniferous limestone and dolerite,</u></b> therefore lower limits may be more appropriate than where the rock is harder.....</p> <p>4.64 The British Standards Institution (BSI) has produced two standards that relate to blast-induced vibration, one relates to the impact on buildings and structures<sup>33</sup>, and the other to the impact on people within buildings<sup>34</sup>. The BSI standard <b><u>6472-2</u></b> sets out a 'satisfactory magnitude' of 6 to 10mm/second peak particle velocity with respect to people <b><u>and for within</u></b> buildings.....</p> <p><sup>33</sup> <del>BS 6472-2:2008: Guide to evaluation of human exposure to vibration in buildings. Blast-induced vibration</del> <b><u>BSI 7385-2, Evaluation and measurement for vibration in buildings, Part 2: Guide to damage levels from ground-borne vibration, 1993.</u></b></p> <p><sup>34</sup> <del>BS 6472-1:2008: Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting</del> <b><u>BSI 6472-2, Guide to evaluation of human exposure to vibration in buildings, Part 2: Blast induced vibration, 2008.</u></b></p>
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MM10 Policy MW7 - Traffic and Transport

Mod Ref	Page	Policy or paragraph	Modifications
MM10	39	MW7 and paragraph 4.72	<p>2. <b><u>In determining planning applications for minerals and waste development the Council will seek to maximise the use of sustainable forms of transport,</u></b> where opportunities exist and are practicable and economic:</p> <p><b><u>(i) by ensuring that applicants have considered the scope for the movement of minerals by rail from existing and new transport infrastructure; and</u></b></p> <p><b><u>(ii) for both minerals and waste development encouraging the utilisation of changing transport technologies including those which over time will</u></b> <del>Minerals and waste proposals should always seek to maximise the use of sustainable forms of transport</del> <b><u>through fuel efficiency and low and ultra-low emission vehicles.</u></b> <del>where opportunities exist and are practicable and economic.</del></p> <p>4.72 Planning applications for minerals and waste development which generate large volumes of movements should be accompanied by a <del>Traffic</del> <b><u>Transport</u></b> Assessment identifying the effect on <b><u>the</u></b> highway network of traffic generated by the proposed development.....</p>

MM11 Policy MW8 - Mineral Rail Handling Facilities

Modification Reference	Page	Policy Paragraph	Main Modification
MM11	44	MW8 and 4.77	Policy MW8 Mineral Rail Handling Facilities

			<p>The establishment of rail handling facilities to facilitate the importation of waste into County Durham will, however, be resisted as this would be unlikely to meet the requirements of the proximity principle<sup>38</sup></p> <p><sup>38</sup> The Waste (England and Wales) Regulations 2011:  <a href="https://www.legislation.gov.uk/ukxi/2011/988/pdfs/ukxi_20110988_en.pdf">https://www.legislation.gov.uk/ukxi/2011/988/pdfs/ukxi_20110988_en.pdf</a></p>
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MM12 Policy MW10 - Ancillary Minerals Related Infrastructure

Mod Ref	Page	Policy Paragraph	Main Modification
MM12	46-47	MW10	<p>Policy MW10 - Ancillary Minerals Related Infrastructure</p> <p><b>1.</b> Proposals for ancillary minerals related infrastructure will be permitted at active mineral sites where it can be demonstrated that:</p> <p><b>a.</b> 1-A clear functional relationship exists between the mineral extraction which occurs, and the proposed ancillary minerals related infrastructure;</p> <p><b>b.</b> 2-The proposed ancillary minerals related infrastructure will remain ancillary to the primary use of the site for mineral extraction;</p> <p><b>c.</b> 3-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</p> <p><b>d.</b> 4. 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</p>

			<p>minerals and waste development), Policy MW<del>34</del> (Noise), <b>MW45</b> (Air Quality &amp; Dust) and MW7 (Traffic and Transport) and other relevant policies.</p> <p><b>2.</b> Proposals for permanent ancillary minerals related infrastructure will be permitted where it can be demonstrated:</p> <p><b>a.</b> <del>5.</del> That the proposed development can be satisfactorily located on employment land that is well related to markets and <b>the</b> rail or <b>the</b> 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</p> <p><b>b.</b> <del>6.</del> 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 MW<del>34</del> (Noise), <b>MW45</b> (Air Quality &amp; Dust) and MW7 (Traffic and Transport) and other relevant policies.</p>
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MM13 Policy MW11 - Periodic Review of Mineral Planning Permissions

Modification Reference	Page	Policy Paragraph	Main Modification
MM13	49	MW11 and new paragraphs following 4.96	<p>Policy MW11 - Periodic Review of Mineral Planning Permissions</p> <p>That <del>high-quality</del> restoration schemes <del>are</del> <b>will be</b> 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.</p> <p>(New paragraph 4.96a) <b><u>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</u></b></p>

			<p><b><u>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 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.</u></b></p> <p>(New paragraph 4.96b) <b><u>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.</u></b></p>
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#### MM14 Local Liaison Groups

Modification Reference	Page	Policy Paragraph	Main Modification
MM14	50	4.97 and 4.98	<p>Local Liaison Groups</p> <p>4.97 Within County Durham there are several Local Liaison Groups which facilitate the exchange of views and information about specific mineral site between representatives of the mineral 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 their agreement. However, Local Liaison Groups are not</p>

			<p><del>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.</del></p> <p><del>4.98 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.</del></p>
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MM15 Policy MW12 - Oil and Gas Exploration, Appraisal and Production

Mod Ref	Page	Policy or paragraph	Modifications
MM15	53/54	MW12 and 5.10	<p>Policy MW12 - Oil and Gas Exploration, Appraisal and Production</p> <p>Planning applications for the exploration, appraisal and production of oil and gas will <del>only</del> 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. <b><u>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)</u></b> and provided that:</p> <p>2. Exploration and appraisal operations are for an agreed temporary period <del>and a comprehensive restoration strategy is agreed, together with a scheme of after-use and aftercare;</del> and</p> <p>3. Proposals to produce conventional and unconventional oil and gas including well sites and facilities, and other related ancillary development and infrastructure will <del>only</del> be</p>

		<p>permitted in accordance with an overall agreed scheme and where the following criteria apply:'</p> <p>3b. Extraction, processing and transport facilities are located and operated to minimise both unacceptable environmental and amenity impacts and provide any necessary mitigation and enhancements. <del>As a Climate Emergency has been declared in County Durham proposals</del> <u>Proposals</u> will <b>also</b> need to demonstrate that they <del>mitigate</del> <b>minimise</b> emissions as far as possible and <b><u>include measures to</u></b> offset <b><u>any</u></b> residual emissions;</p> <p><del>3d. A decommissioning strategy has been submitted and agreed.</del></p> <p><b><u>All relevant matters will be secured through planning conditions and where necessary planning obligations or other legal agreements.</u></b> <del>Proposals at each stage must provide for the restoration and aftercare of the site to a high standard at the earliest opportunity. Should oil and gas be found through the exploration and appraisal stages in commercially viable quantities, subsequent planning applications for production should be accompanied by a comprehensive restoration strategy for the oil or gas field(s).</del></p> <p>5.10 All oil and gas exploration, appraisal and production sites <del>must be decommissioned, and the sites must be fully restored with a beneficial after-use</del> <b><u>after use.</u></b> <del>A period of aftercare may also be required.</del> <b><u>in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise).</u></b> <b><u>All Planning applications for oil and gas wells should include a decommissioning strategy</u></b> <del>Decommissioning will require the</del> <b><u>through which it should be demonstrated that there will be no unplanned escape of fluids and ensure the</u></b> dismantling and <del>removing</del> <b><u>removal</u></b> of all facilities and equipment including areas of hard standing and access roads. <del>as part of the full restoration of the site. The Council will therefore require a detailed strategy detailing the decommissioning and restoration, after-use and</del> <b><u>decommissioning</u></b> <del>aftercare phases to</del> <b><u>This should</u></b> 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</p>
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			<p>anticipated impacts on the environment and local amenity, including through transportation and the mitigation proposed.</p> <p>(New paragraph 5.10a) <b><u>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.</u></b></p>
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MM16 Policy MW13 - Transport of Oil and Gas

Mod Ref	Page	Policy or paragraph	Modifications
MM16	55/56	MW13 and 5.16	<p>Policy MW13 - Transport of Oil and Gas</p> <p>Oil and gas should normally be transported from production wells by pipeline. Proposals for oil and gas pipelines will <del>only</del> be permitted provided that it can be demonstrated that:</p> <p>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</p>

			<p>by road is required including for any plant, equipment, materials, and waste resulting from the development, planning permission will <del>only</del> be granted where it can be demonstrated that proposals comply with Policy MW7 (Traffic and Transport).</p> <p>5.16: ....Pipelines should <b>normally</b> be accommodated below ground to minimise visual and landscape impacts. <b><u>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.</u></b> Environmental and amenity impacts associated with pipeline construction should be <del>mitigated</del> <b>minimised</b> to acceptable levels. Following construction, the landform and the former land use of the pipeline should be <del>reinstated</del> <b>restored</b> 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. <b><u>Restoration, after use and aftercare schemes, including all decommissioning activities, will be agreed in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise).</u></b> Environmental enhancements will be sought whenever possible.</p>
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MM17 Chapter 6 - Other Minerals

Mod Ref	Page	Policy or paragraph	Modifications
MM17		Policy MW14, paragraph 6.2, 6.12, 6.23	<p>Policy MW14 – Vein Minerals, Metalliferous minerals, Lithium and Silica Sand</p> <p>..... impacts on tourism and upon amenity. <b><u>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).</u></b></p>

		<p>1. In determining planning applications for such proposals, the Council will carefully consider whether the proposal is: <del>a. Required provides</del> <u>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; <del>b. Required for the purposes for which their specific qualities are essential;</del> and <del>c. Will seek to ensure that great weight</del> <b><u>Great weight in the planning balance</u></b> will be given to the benefits of their extraction in accordance with Policy MW3 -(Benefits of Mineral Extraction) <b><u>and significant weight will be given to proposals which provide the feedstock for downstream industries which support economic growth and provide local employment.</u></b></u></p> <p><b><u>Lithium</u></b></p> <p>2. Given the complex geological and hydrogeological locations associated with Lithium extraction which is a novel form of mineral extraction a phased a-risk-based approach will be required. Proposals to produce lithium including well sites, <del>and facilities</del> <b><u>site infrastructure</u></b> and <del>other related ancillary development and infrastructure</del> will <del>only</del> be permitted in accordance with an overall agreed scheme and where the following criteria apply:</p> <p>b. <del>Extraction, processing and transport facilities</del> <b><u>Well sites, site infrastructure and ancillary development</u></b> are located and operated to minimise both unacceptable environmental and amenity impacts and provide any necessary mitigation and enhancements.</p> <p>c. <del>A decommissioning strategy is submitted which provides for the restoration and aftercare of extraction and processing site to a high standard at the earliest opportunity following the cessation of extraction is submitted and agreed.</del> <b><u>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)</u></b></p>
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		<p><b><u>which provides for the decommissioning of well sites and infrastructure and the removal of all site infrastructure and ancillary development.</u></b></p> <p><del>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 MW2 (Mineral Exploration).</del> <b><u>All relevant matters will be secured through planning conditions and where necessary planning obligations or other legal agreements.</u></b></p> <p>6.2 ..... 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 <b><u>County Durham Plan or the</u></b> Minerals and Waste Policies and Allocations Document.</p> <p>6.12 .....Growth in its use has led to Lithium being identified <b><u>previously</u></b> by the UK as a strategic metal. <del>It was</del> and <del>has also been</del> identified by the <b><u>European Union (EU)</u></b> on its fourth list of critical raw materials in 2020 <b><u>and by the UK as a critical mineral in 2022.</u></b>.....</p> <p>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. <b><u>Lithium exploration and appraisal activities within County Durham are at a relatively early phase.</u></b></p> <p>New paragraph (6.23a) <b><u>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</u></b></p>
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		<p><b><u>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.</u></b></p> <p>New paragraph (6.23b): Given the complex geological and hydrogeological locations associated <del>with exploration, appraisal and production</del> such extraction, a phased risk-based approach will be required. <b><u>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.</u></b></p> <p>New paragraph (6.23c): Other than <del>an</del> the <b><u>initial boreholes</u></b> and pilot plant to prove the extraction of Lithium <b><u>through the exploration and appraisal stage of operations</u></b>, proposals to produce lithium at a commercial scale, including well sites <del>and facilities and other related ancillary development and</del>, <b><u>site infrastructure and ancillary development</u></b> will <del>only</del> be permitted in accordance with an overall agreed scheme. It will be essential that all proposals <b><u>for exploration, appraisal and production</u></b> are located in the least environmentally sensitive locations and operated to minimise both unacceptable environmental and amenity impacts, provide any necessary mitigation and enhancements.</p> <p>New paragraph (6.23d): <b><u>Given the early stages of lithium extraction in the County, it is considered that all proposals should also</u></b> <del>and include a</del> <b><u>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</u></b> <del>for which</del> <b><u>dismantling and removal of all site infrastructure and equipment. The Council will therefore require a</u></b></p>
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			<p><b><u>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</u></b> provides for the eventual restoration and aftercare to a high standard at the earliest opportunity once extractive operations have permanently ceased <b><u>in accordance with Policy MW5 (Mineral Site Restoration, Landfill and Landraise).</u></b></p>
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MM18 Chapter 7 Waste Paragraphs 7.1, 7.4 and 7.5

Mod Ref	Page	Policy or paragraph	Modifications
MM18	64 - 65	7.1, 7.4 and 7.5	<p>7.1 This chapter provides policies to address the ‘disposal’<sup>50</sup> 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’<sup>54</sup>. <b><u>‘Other recovery’ is where waste can serve a useful purpose by replacing other materials that would otherwise have been used.</u></b> <del>Once adopted t</del> These policies will complement the strategic waste policies of the County Durham Plan.</p> <p><sup>52</sup> <del>‘Other recovery’ is where waste can serve a useful purpose by replacing other materials that would otherwise have been used.</del></p> <p>7.3 The National Waste Management Plan for England<sup>fn</sup>....</p> <p>7.4 Over the last three years (2018 to 2020 <b>2019 to 2021</b>), approximately 1.9 million tonnes of inert waste was disposed to landfill in these three sites with a further 446,000 <b>328,000</b> tonnes at non-inert landfill sites. A sizeable proportion of this waste originated from outside of County Durham.</p>

			<p>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<sup>54</sup>. Over the last three years (<del>2018 to 2020</del><b>2019 to 2021</b>) approximately <del>289,000</del><b>262,000</b> tonnes of non-hazardous waste and approximately <del>6,000</del><b>5,000</b> tonnes of hazardous waste was disposed to landfill in this site. A large proportion of this non-hazardous waste is <del>Local Authority Collected</del> <b>local authority collected waste</b> from Darlington Borough together with quantities of commercial waste and smaller quantities of inert waste.</p>
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MM19 Policy MW17 - Inert Waste Disposal via landfill

Mod Ref	Page	Policy or paragraph	Modifications
MM19	66	MW17	<p>Policy MW17 - Inert Waste Disposal via landfill</p> <p>4. The proposal would not result in an over provision of capacity which could lead to <del>excessive</del> <b><u>unnecessary</u></b> importation of inert waste from outside County Durham; <b><u>and</u></b></p> <p><del>5. The proposal includes a high-quality restoration scheme, and the resulting final landform, landscaping and after-uses are sympathetically designed and enhance the natural environment and meet the applicable requirements of Policy MW22 (Mineral Site Restoration, Landfill and Landraise); and</del></p> <p><del>6</del><b>5</b>. 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), <del>and can meet the applicable requirements of Policy MW19 (Water Resources - Landfill, Landraise and Inert Waste Other Recovery) and Policy MW20 (Mineral Site Restoration, Landfill and Landraise).</del></p>

			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. <del>Proposals will also be required to meet all relevant Policy MW17 criterion.</del>
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MM20 Policy MW18 - Non-Hazardous Landfill

Mod Ref	Page	Policy or paragraph	Modifications
MM20	70	MW18, 7.24 to 7.25	<p>Policy MW18 Non-Hazardous Landfill</p> <p>2. The proposal would not result in an over provision of capacity which could lead to the excessive <b><u>unnecessary</u></b> importation of non-hazardous waste from outside County Durham;</p> <p>3. The proposal is supported by a scheme for the long-term management of leachate and landfill gas which seeks to ensure full recovery of energy from any generated landfill gas or where this is <b><u>demonstrated</u></b> not technically possible, maximum practicable recovery of energy from landfill gas with measures to offset residual emissions; <b><u>and</u></b></p> <p>4. The proposal includes a restoration and aftercare scheme, and the resulting final landform, landscaping and after-uses are sympathetically designed and enhance the natural environment and meet the applicable requirements of Policy MW20 (Mineral Site Restoration, Landfill and Landraise); and</p> <p>5 <b><u>4</u></b>. 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), and Policy MW19 (Water Resources - <b><u>Landfill, Landraise and Inert Waste Other Recovery</u></b>) <b><u>and Policy MW20 (Mineral Site Restoration, Landfill and Landraise)</u></b>.</p> <p>7.24 ..... Proposals for disposal of non-hazardous <b><u>waste</u></b> which arises from locations outside County Durham <b><u>cannot demonstrate they meet a need in accordance with County Durham Plan Policy 60</u></b> will be resisted as the creation of <b><u>unnecessary</u></b> capacity to dispose of non-hazardous waste from other areas would not be consistent with the proximity principle.</p>

			<p>7.25 ..... <del>Non-Hazardous landfill sites also produce leachate, which is caused by water percolating through the waste. This is a potentially polluting liquid that can cause harmful effects to both surface and groundwater. Any leachate produced must be safely controlled and managed. Given that leachate can continue to be produced for many years beyond the cessation of waste disposal operations, it is important that long term monitoring would continue until levels are safe.</del> <b><u>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.</u></b></p>
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MM21 Policy MW19 - Water Resources

Mod Ref	Page	Policy or paragraph	Modifications
MM21	71 - 73	MW19 and paragraphs 7.27 to 7.34	<p>MW19 Water Resources - <b><u>Landfill, Landraise and Inert Waste Other Recovery</u></b></p> <p><del>Development which could adversely affect the quality or quantity of surface<sup>56</sup> or groundwater will be required to demonstrate no unacceptable impact on the water resources both for the proposed site and the surrounding area including the water resources required for operations. Proposals must ensure the protection of water bodies throughout exploration, the working life of the site and following final restoration. Detailed hydrological and hydrogeological risk assessments will be required to support minerals and waste planning applications.</del></p> <p><del>Landfill, Landraise and Inert Waste Other Recovery</del></p> <p>Unless it can be demonstrated <b><u>through that risk assessment</u></b> that active long-term site management is not essential to prevent long-term groundwater pollution, proposals for landfill and landraise <b><u>and inert waste other recovery</u></b> 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</p>

		<p>strata where the groundwater provides an important contribution to river flow or other sensitive receptors.</p> <p>7.27 This policy <b><u>seeks to compliment and</u></b> should be applied in conjunction with County Durham Plan Policy 35 (Water Management), <del>Policy 36 (Water Infrastructure)</del> and Policy 31 (Amenity and Pollution) as well as the <del>Waste Management Plan for England and the</del> Environment Agency's approach to groundwater protection (Feb 2018 V1.2) or any subsequent iterations of these documents.</p> <p>New paragraph (7.27a) <b><u>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).</u></b></p> <p><del>7.28 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.</del></p> <p><del>7.29 The quality of water resources is of great importance, and surface water and groundwaters, particularly in aquifers, need protection from pollution. Waste development has the potential to pollute surface and groundwater resources if operations are not effectively controlled and monitored. For example, problems can arise from surface run-off; changes to groundwater and mine water levels; extraction of water drawing pollutants from other areas of the water system; changes to groundwater levels which support important habitats and species; leachate from waste disposal, sludge and composting sites; the discharge of wastewater and cross contamination due to flooding or accidental spills of liquid materials. This can in turn affect water quality, nature conservation interests and/or human health. Applicants</del></p>
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		<p>will be expected to consider the cumulative impacts of each proposed development upon the environment and other activities in the vicinity.</p> <p>7.30 The East of the County lies on a major aquifer, a vital source of groundwater. The main groundwater abstraction points are numerous and subject to change. 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.</p> <p>7.31 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 webpage<sup>57</sup>.</p> <p>7.32 Groundwater <b><u>in aquifers</u></b> can be at risk of contamination by <b><u>waste development including</u></b> 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. <b><u>Waste Landfill</u></b> 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.</p>
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		<p>(New paragraph 7.32a) <u>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.</u></p> <p>(New paragraph 7.32b) <u>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.</u></p>
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			<p><del>7.33 Minerals development in particular can require significant water resources in relation to operations such as irrigation and watering and will need to demonstrate that these supplies can be secured. Mineral extraction can also reduce groundwater levels in the surrounding area and 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. In areas of flood risk, changes to ground levels, due to mineral extraction, waste landfill or landraise, can also potentially cause flood risk elsewhere.</del></p> <p><del>7.34 All minerals and landfill and landraise planning applications will require a Hydrogeological Risk Assessment which should consider and address the risks posed to all ground and surface water resources (quality and flow) within the vicinity of the site.</del></p> <p><del>Footnote <sup>56</sup> Including all water bodies for example rivers, canals, lakes, estuaries and coastal waters.</del></p>
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MM22 Chapter 8 - Mineral and Waste Site Restoration

Mod Ref	Page	Policy or paragraph	Modifications
MM22	74	MW20, 8.3, 8.5 & 8.12	<p>Planning applications for minerals working and for temporary waste development such as waste recovery and disposal via landfill or <del>land raise</del> <b>landraise</b>, must include an appropriate <b>high quality scheme for the rRestoration, after-use After Use and aAftercare Scheme for the</b> of the site. Proposals will be permitted where it can be demonstrated that they:</p> <p>4. Deliver significant <b>a minimum 10%</b> net gains to <b>for</b> biodiversity in line with the requirements of the Environment Act 2021, <b>support the delivery of the Local Nature Recovery Strategy (once prepared)</b>, and which contribute towards establishing coherent and resilient ecological networks through the creation of semi-natural habitats integrating with landscape-scale conservation initiatives where appropriate;</p>

		<p>7. Are feasible in technical and economic <b>financial</b> terms and the operator is capable of, and committed to, their delivery. Restoration schemes for mineral, landfill and landraise sites will be secured through planning conditions and where necessary planning obligations or other legal agreements.</p> <p>Restoration, <b>After Use and Aftercare</b> schemes for mineral, landfill and landraise sites will be secured through planning conditions and where necessary planning obligations or other legal agreements.</p> <p>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 <del>therefore</del> to discuss their proposals for restoration, <del>after-use</del> <b>after use</b>, 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 <b>where</b> <del>their</del> proposals are near to local communities. <b><u>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 210 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.</u></b></p> <p>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</p>
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			<p>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 any breach of planning conditions can be remedied without additional public cost. <del>National planning policy</del> <b>NPPF</b> 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<sup>58</sup>. <b><u>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.</u></b></p> <p>8.12 In preparing proposals for restoration, <del>after-use</del> <b><u>after use</u></b> 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, <del>and strategies</del> <b><u>and audits</u></b> including but not limited to the County Durham Plan, <del>;</del> <b><u>These include the</u></b> County Durham Landscape Strategy, the Council's Climate Change Emergency Response Action Plan, the County Durham Local Nature Recovery Strategy (once prepared), <b><u>the County Durham Geodiversity Audit Plan</u></b> and if located within the North Pennines AONB, the AONB Management Plan, <b><u>the Geodiversity Audit and Action Plan</u></b> and North Pennines AONB Planning Guidelines.</p>
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MM23 Chapter 9 - Potential Non-Strategic Minerals and Waste Allocations

Mod Ref	Page	Policy or paragraph	Modifications
MM23	81	9.8	<p>Amend sentence three. Add additional sentence following sentence three.</p> <p>All planning applications within allocated sites will need to be considered <b><u>determined in accordance with the relevant policies of the</u></b> in terms of the specific impacts and benefits considering the site specific and other relevant policies within the M&amp;WDPD and the County Durham Plan, <b><u>statutory development plan unless</u></b> considering all other relevant material considerations <b><u>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.</u></b></p>

MM24 Policy MW21- Site Specific Allocation at Thrislington West Quarry

Mod Ref	Page	Policy or paragraph	Modifications
MM24	86	MW21	<p>Policy MW21- Site specific allocations at Thrislington West Quarry</p> <p>1. That the site allocation will be accessed via the existing quarry access <b><u>(entrance 1) which lies off the C69 (Cornforth to Mainsforth Road);</u></b></p> <p>4. That the planning application is accompanied by an acceptable scheme of phased working and high quality restoration <b><u>in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise)</u></b> and aftercare which complements the overall restoration strategy for Thrislington West Quarry, delivers a range of appropriate environmental enhancements, including biodiversity net gain which enhances and improves ecological connectivity to adjacent and nearby designated sites and supports the</p>

			<p>coherence of ecological networks and supports the delivery of the Local Nature Recovery Strategy; and</p> <p>5. It can be demonstrated that there will be no unacceptable adverse impacts on the environment <b><u>including biodiversity and groundwater</u></b>, human health, <b><u>the road network</u></b> or the amenity of local communities.</p>
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MM25 Policy MW22 - Site Specific Allocation Northern Extension to Crime Rigg Quarry

Mod Ref	Page	Policy or paragraph	Modifications
MM25	90	MW22	<p>Policy MW22 - Site Specific Allocation Northern Extension to Crime Rigg Quarry</p> <p>1. That the site allocation will be accessed through the existing quarry access <b><u>which lies off the B1283 (Sherburn Hill to Haswell Plough)</u></b> throughout the life of the extension;</p> <p>2. <b><u>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.</u></b> <del>That the proposal includes any such advanced preparatory works as are deemed necessary by the Council including perimeter mounding/ bunding and tree planting along the boundaries of the site to safeguard the local landscape, environment and the amenities of the local area and minimise views into the site from sensitive receptors including public rights of way, and the strategic and local highway network;</del></p> <p>4. That the planning application is accompanied by an acceptable scheme of phased working and high quality restoration and aftercare <b><u>in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise)</u></b> which delivers a range of appropriate environmental enhancements, including but not limited to biodiversity net gain which enhances and improves linkages to adjacent and nearby designated sites, increasing the</p>

			<p>coherence of ecological networks whilst supporting the delivery of the Local Nature Recovery Strategy and maximises geodiversity benefits;</p> <p>6. It can be demonstrated that there will be no unacceptable adverse impacts on the environment <b><u>including biodiversity and groundwater</u></b>, human health, <b><u>the road network</u></b> or the amenity of local communities.</p>
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MM26 Policy MW23 - Site Specific Allocation Inert Waste Disposal at Crime Rigg Quarry

Mod Ref	Page	Policy or paragraph	Modifications
MM26	94	MW23	<p>Policy MW23 - Site Specific Allocation Inert Waste Disposal at Crime Rigg Quarry</p> <p>1. That the site allocation will be accessed through the existing Crime Rigg Quarry access <b><u>which lies</u></b> north of the B1283 (<b><u>Sherburn Hill to Haswell Plough</u></b>) throughout the period that the site is used for inert waste disposal until an alternative access is required to complete inert disposal operations;</p> <p>2. <b><u>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.</u></b> That the planning application includes any further preparatory works as are deemed necessary by the Council including any additional perimeter mounding/ bunding and tree planting along the boundaries of the site to safeguard the local landscape, environment and amenities of the local area whilst also minimising views into the site from sensitive receptors including public rights of way, and the strategic and local highway network;</p> <p>5. That the planning application is accompanied by an acceptable scheme of phased disposal and high-quality restoration and aftercare <b><u>in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise)</u></b> which delivers a range of appropriate</p>

			<p><del>environmental enhancements including but not limited to landscape enhancement, provides biodiversity net gain which enhances and improves ecological linkages to adjacent and nearby designated sites and supports the coherence of ecological networks whilst also supporting the delivery of the Local Nature Recovery Strategy; and</del></p> <p>6. It can be demonstrated that there will be no unacceptable adverse impacts on the environment <b><u>including biodiversity and groundwater</u></b>, human health, <b><u>the road network</u></b> or the amenity of local communities.</p> <p>9.35 d) ...<b><u>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.</u></b></p>
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MM27 Policy MW24 - Site Specific Allocation Inert Waste Disposal at Cold Knuckle Quarry

Mod Ref	Page	Policy or paragraph	Modifications
MM27	99	MW24	<p>Policy MW24 - Site Specific Allocation Inert Waste Disposal at Cold Knuckle Quarry</p> <p>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:</p> <p>1. That the site allocation will be accessed through the existing Old Quarrington Quarry access <b><u>off the A688 Wheatley Hill to Bowburn link road</u></b> throughout the period that the site is used for inert waste disposal;</p>

			<p>2. <u>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.</u> That the planning application includes any further preparatory works as are deemed necessary by the Council to minimise adverse impacts and safeguard the local landscape, environment and the amenities of the local area whilst also minimising views into the site from sensitive receptors including public rights of way, and the strategic and local highway network;</p> <p>4. That the planning application is accompanied by an acceptable scheme of phased disposal and a high-quality restoration <u>in accordance with Policy MW20 (Mineral Site Restoration, Landfill and Landraise)</u> and aftercare which delivers a range of appropriate environmental enhancements including but not limited to landscape enhancement, biodiversity net gain which enhances and improves ecological linkages to designated sites and supports the coherence of ecological networks whilst also supporting the delivery of the Local Nature Recovery Strategy; and</p> <p>5. It can be demonstrated that there will be no unacceptable adverse impacts on the environment <u>including biodiversity and groundwater</u>, human health, <u>the road network</u> or the amenity of local communities.</p>
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MM28 Chapter 10 - Monitoring and Implementation Framework

Modification Reference	Page	Policy Paragraph	Main Modification
MM28	103	Paragraphs 10.4 and 10.5	10.4 Alongside the AMR, a requirement to prepare a Local Aggregates Assessment (LAA) was introduced through the publication of the <u>National Planning Policy Framework NPPF</u> in March 2012. <u>For many years within</u> 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 <u>preparehave prepared</u> a Joint Local Aggregate

		<p>Assessment (Joint LAA). This is <u>had been</u> a longstanding approach to joint working on this matter of cross boundary strategic importance. <b><u>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.</u></b> The Joint <b><u>Council's</u></b> LAA is updated annually, with key information being reported within the AMR where relevant. <del>In addition, the Council also monitors a wide range of waste management information obtained from several sources but principally from the Environment Agency. This information is compiled into the Council's Waste Technical Paper with key information being reported within the AMR where relevant.</del></p> <p>(New paragraph 10.4a) <b><u>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.</u></b></p> <p>(New paragraph 10.4b) <b><u>The Council also monitors a wide range of waste management information obtained from several sources but principally from the Environment</u></b></p>
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			<p><b><u>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).</u></b></p> <p>10.5 The table below shows how the M&amp;WDPD will be monitored. <b><u>It is intended that the policies of the M&amp;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.</u></b></p>
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MM29 Table 10.1

Modification Reference	Page	Policy Paragraph	Main Modification
MM29	104	Table 10.1 - Monitoring table indicators MW4 (Noise), MW5 (Air Quality and Dust) and MW6 (Blasting).	Significant increase <b><u>An annual increase of 100%</u></b> in enforcement action <b><u>upheld</u></b> due to noise/dust/blasting related complaints.

MM30 Proposed Changes to the Policies Map Inset Map 2

Modification Reference	Page	Policy Paragraph	Main Modification
MM30	93	Inset Map 2	Amend inset map to include additional planning permission area. The map below is zoomed in upon the principal changes to the inset map. The change is labelled.





MM31 Proposed Changes to the Policies Map Inset Map 3

Modification Reference	Page	Policy Paragraph	Main Modification
MM31	98	Inset Map 3	Amend inset map to include additional planning permission area. The map below is zoomed in upon the principal changes to the inset map. The change is labelled.

