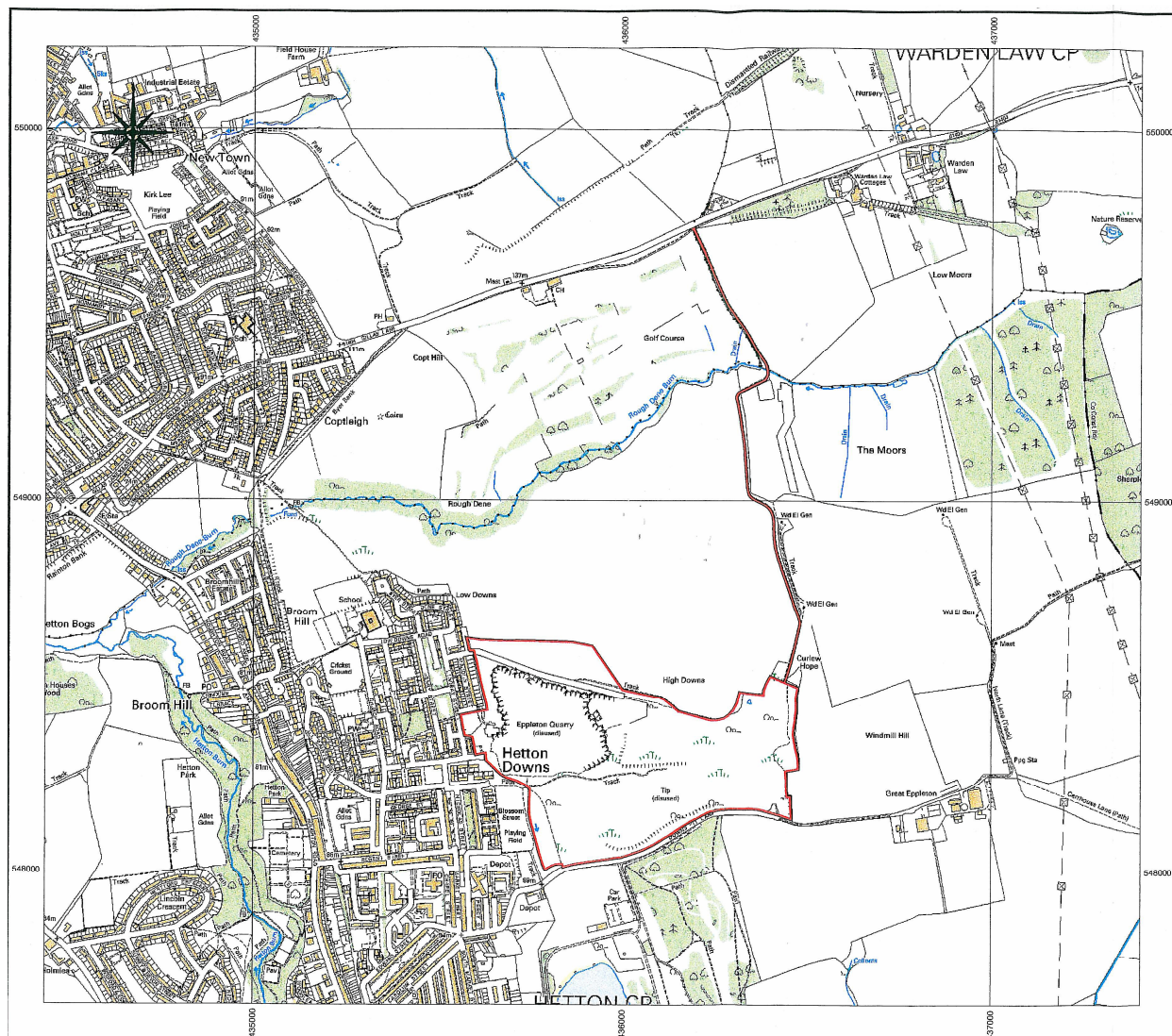


Reference No.:	07/05522/VAR Variation of Conditions Application
Proposal:	Modification of Conditions 7 and 8 of Planning Permission (Ref: 99/791/FUL) as modified by Planning Permission (Ref: 05/384/LEG) to extend the permission for mineral extraction to July 2013 and to extend the period for restoration to overburden level to December 2013.
Location:	Eppleton Quarry / Eppleton Colliery, Downs Pit Lane, Hetton Le Hole, Sunderland
Ward:	Copt Hill
Applicant:	Hall Construction Services Ltd
Date Valid:	7 January 2008
Target Date:	7 April 2008 (Extended by Sunderland City Council (SCC) to 30 July 2010) Agreed by the Applicant in a letter dated 08 June 2010. A letter has been sent to the Applicant to extend the determination period to 31 August 2010. A response is awaited from the Applicant.

Location Plan



PROPOSAL:

Planning Application to modify Conditions 7 and 8 of Planning Permission (Reference: 99/791/FUL) as modified by Planning Permission (Reference: 05/384/LEG) to extend the period for mineral extraction to July 2013 and to extend the period for restoration to overburden level to December 2013.

The description of development set out above has been taken from the Supporting Statement and the dates have been subsequently amended by the Applicant in a letter dated 07 July 2008. It should be noted that there is a different description of development set out on the forms which omits 'as modified by Planning Permission (Reference: 05/384/LEG)'.

Planning permission was originally granted for mineral extraction and the reclamation of Eppleton Quarry on the 26th February 2001, subject to 90 Conditions and a Section 106 Agreement. Development commenced in April 2001 and the Planning Permission (Reference: 99/791/FUL) required mineral extraction of sand, limestone, coal and red shale to cease by April 2005. In 2004 it became apparent that due to an underestimation of the volume of sand, limestone, coal and red shale, the original programme for completion could not be achieved.

An application was then submitted in February 2005 to amend Conditions 7 and 8 of the original Planning Permission (Reference: 99/791/FUL). In February 2006 planning permission was granted to amend the conditions and extend the date for completion of mineral extraction to April 2008 and for restoration to overburden level until September 2008.

Following a drilling programme in 2007 it was found that sand and limestone reserves were more extensive than was previously thought. Consequently a Section 73 Planning Application was submitted in December 2007 (the current application) to again modify Conditions 7 and 8 of Planning Permission 99/791/FUL to extend the period for mineral extraction to April 2011 and to extend the period for restoration to September 2011.

The Section 73 Planning Application has subsequently been revised by the Applicant and the time period for mineral extraction on site amended. It is now proposed that Conditions 7 and 8 are amended as follows:

Condition 7 of Planning Permission (Reference: 99/791/FUL) as first modified by Planning Permission (Reference: 05/384/LEG) is further modified to allow mineral extraction to continue until July 2013; and

Condition 8 of Planning Permission (Reference: 99/791/FUL) as first modified by Planning Permission (Reference: 05/384/LEG) is further modified to require that the restoration to overburden level be completed by December 2013.

The above amendment to the application was made following a review of on site production rates as it was considered timescales should be extended to ensure all minerals could be removed under this application. At the time of the submission of the application it was considered that it would take approximately 5.25 years to remove all minerals on site under the Section 73 Application.

Further to this, as a result of issues raised during the consideration of the planning application, the target date for a decision has been extended from 17 April 2008 to 31 August 2010. Issues included recoverable mineral reserves on site and restoration and

maintenance proposals. Originally it was estimated within the Supporting Statement that 1.25 million tonnes of recoverable materials remained to be worked at April 2008, however, the Applicant subsequently confirmed in a letter dated 28 May 2008 that 1.5 million is the correct figure.

The Council screened this Section 73 Application against the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and confirmed that an EIA was not required.

It was considered by the Council that insufficient information was provided by the Applicant to determine the Application. The Applicant subsequently agreed that the relevant surveys within the Environmental Statement submitted to accompany Extension Scheme Full Application (Reference: 07/05523/FUL) would also accompany the Section 73 Application. These surveys relate to Landscape and Visual Impact, Noise, Dust, Blasting and Transport. The surveys are referred to hereafter as relevant Chapters within the Environmental Statement.

PLANNING HISTORY

The area surrounding the application site has historically been subject to coal mining and is associated with the former Eppleton Colliery and Quarry.

On 28th June 1999 Hall Construction Services Ltd (Halls) submitted a Full Planning Application (accompanied by an Environmental Impact Assessment) for 'the reclamation of derelict land to Country Park' at Eppleton Quarry. The development was described within the Committee Report (Application Reference; 99/00791/FUL) as 'the reclamation of the disused quarry and colliery by the extraction and processing of minerals; coal washing; construction of a new access road; importation of inert construction waste and soil; restoration to a country park and 5 year aftercare on 37.76ha of land'. The restoration scheme was intended to be an extension to Hetton Lyons Country Park. The Planning Application was approved on 26th February 2001 subject to 90 Conditions and a Section 106 Agreement.

The Section 106 Agreement was entered into between the owners of the land at Eppleton Quarry, Mininvest (Eppleton) Limited, Halls and the Council. The obligations under this agreement were:

- HGV access to and from the site shall only be via the approved site access to the B1404, turning left to the B1260/ B1404 junction, turning right along Seaham Road (B1404) to join the A690. Returning traffic will follow the same route;
- At the conclusion of the restoration period public access shall be permitted along all footpaths and bridleways for recreational purposes only;
- At the conclusion of the aftercare period specified in the planning permission the land shall be transferred to the Council for a nominal consideration of £1.00, subject to a clawback provision in favour of the transferor in respect of any increase in value of the land which may accrue during the period of 80 years from the date of transfer as a result of planning permission being granted; and
- Unless and until the transfer above is effected the site shall be maintained beyond the aftercare period to the satisfaction of the Council.

Advice provided by the Council's legal department has indicated that following the statutory 5 year aftercare period it is intended that the ownership of the land will transfer to the Council along with maintenance obligations.

Condition 7 stated that all mineral extraction should cease no later than 4 years from commencement of operations on site. Operations on site commenced in April 2001 with an end date of April 2005.

Condition 40 of the original permission stated that no blasting was to take place on site. A Section 73 Application to allow blasting on site, by amending Condition 40, was submitted on the 16th August 2002 (Application Reference: 02/01686/VAR). This Application was then granted consent on 24th September 2003 subject to 5 additional conditions to ensure:

1. No blasting was to take place until further blasting technique details had been submitted and agreed with SCC;
2. Blasting will not take place more than twice in any 4 week period;
3. Blasting should only be carried out between 10.00 am and 3.00pm Monday to Friday and not on Weekends or Bank Holidays;
4. Details of visual or audible warnings should be submitted to SCC, before blasting commenced on site; and
5. No component of the peak particle velocity, attributable, to any blast shall exceed 6mm/s.

As previously stated, a further Section 73 Application was then submitted in February 2005 (Application Reference: 05/00384/VAR) to vary Conditions 7 and 8 of planning permission (Application Reference: 99/00791/FUL) to extend the period for mineral extraction to April 2008 and to extend the period for restoration to overburden level to September 2008. This Application was granted permission in September 2006 subject to a Section 106 Agreement. The Section 106 Agreement was dated 20th February 2006 and was between the Council and Halls. Halls were obligated to pay the sum of £5,000.00 to the Council as a financial contribution towards providing a vehicle activated speed warning sign on Seaham Road/ Market Place in Houghton-le-Spring. This speed warning sign is now in place on Seaham Road.

A Full Application for an extension to Eppleton Quarry was submitted on 19th December 2007 and is currently pending consideration in parallel to this application. The application has been considered alongside the Section 73 Application but both are independent of each other. The Full Application is accompanied by Environmental Impact Assessment presented as an Environmental Statement. Some Chapters of the submitted Environmental Statement have subsequently been added to accompany this Section 73 Application at the request of the Applicant (Landscape and Visual Impact, Noise, Dust, Blasting and Transport).

TYPE OF PUBLICITY:

Site Notice Posted 17th January 2008

Press Notice Advertised (Sunderland Echo) 5th January and 18th January 2008

Neighbour Notifications by letter (January and July 2008)

Public Exhibitions held on 27th and 28th August 2008.

CONSULTEES:

County Archaeologist

Hetton Town Council

Director of Community and Cultural Services (now Director of City Services Pollution

Control)
Environment Agency
Gateshead Council
Durham County Council
Durham City Council
North East Regional Assembly
National Grid Transco
North East Regional Aggregates Working Party
Northern Electric
Government Office for the North East
Defra
UK Gas Business
Councillor Wakefield
HSE - Health and Safety Executive
Property Services Manager
Sunderland Planning Policy
Sunderland Planning Implementation
Sunderland Environmental Health
Sunderland Transportation Section
Durham Wildlife Trust
Easington District Council
Natural England
Great North Forest
Northumbrian Water
RECLAM - Landscape and Reclamation

REPRESENTATIONS:

Neighbour Responses

5 letters of objections have been received in relation to the application. The main concerns raised relate to quarry traffic and blasting and are summarised below:

- Lorries are not operating within the timescale – 7.00am – 6.00pm;
- There are more HGVs than the maximum permitted amount (10 per hour) travelling along Seaham Road to the Quarry;
- Lorries are not always sheeted;
- Damage to private motor cars from material blown from or deposited by the HGVs;
- Noise and vibration from HGVs carrying loads to and from the quarry;
- Speed of lorries travelling along Seaham Road;
- Damage to the public roads by the HGVs;
- Damage to house foundations, water mains and gas mains from vehicle vibrations; and
- Damage caused to homes by blasting.

All of the objectors have indicated measures which they consider would help alleviate the current problems, including:

- Lorries should only travel down Seaham Road when they are empty;
- Numbers of HGVs travelling along Seaham Road should be monitored;
- HGV traffic should be re-routed making use of Warden Law or the B1404 through Seaton;
- Reduce traffic flows by a half;

- Lift the weight restriction at Seaham to allow Quarry vehicles to access the A19;
- Change operating hours to 8.30am – 5.00pm with no work taking place at the weekend;
- Houses to be assessed for structural damage (any found should be corrected); and
- A geological survey should be carried out to discover whether aftershocks are travelling along a disused mine shaft.

Public exhibitions were also held on the 27th and 28th August 2008 at Hetton Centre and Houghton Library respectively to give the public the opportunity to view proposals and to comment on them. A consultation report was produced outlining the outcomes of the exhibitions and is available online. The report addressed both planning applications and for completeness all responses have been included below.

Comments from members of the public included;

- Issues of ‘dust problem and duration’ of the scheme;
- The quarry itself being ‘an eye sore’;
- ‘Loss of amenity, destruction of the environment and traffic problems in Houghton Market Place’; and
- The changing nature of the new Full Application was also outlined, in that the Section 73 Application and previous applications were for a reclamation scheme, whereas the Full Application is for mineral extraction.

Members of the public noted that the extension of timescales at the quarry prolong the associated impacts of the development. Many feel that had they known the development would require a 2013 end date at the start it may not have been an issue, but they feel like they had not been fully informed of development proposals at the very start.

General comments regarding the quarry were that HGV drivers were not adhering to the approved traffic route. For example, drivers are allegedly using Downs Pit Lane and Gillas Lane East. One resident mentioned that they had complained many times but it was still occurring. Another comment regarding HGV drivers was that they were not always operating within permitted hours of working (07.00 – 18.00 Monday to Friday).

Those who did not live in close proximity to the quarry generally gave the impression that the developments would result in a positive change for the area once the site was reclaimed, as the extended Hetton Lyons Country Park.

Consultee Responses:

The **County Archaeologist** has commented that there are no archaeological implications associated with the proposals.

National Grid Transco has responded and consider that the risks associated with the development are negligible.

The **North East Regional Aggregates Working Party** (NERAWP) has responded but cannot comment on the need for Permian Sand as this is a specialist type of material. However, in more general terms, if the proposals at Eppleton are not approved, there will only be two quarries in Tyne and Wear producing sand and gravel. Therefore, the impact of this in Tyne and Wear must be considered. In addition, Crushed Rock is only produced at Eppleton and Marsden Quarries within Tyne and Wear. NERAWP have concerns that if Eppleton ceases to produce limestone, Marsden will not be able to produce enough to meet the Tyne and Wear crushed rock apportionment figures.

The **North East Regional Assembly** commented that there are no significant issues of non conformity with regional planning policy and the broad objectives for minerals. However, they recommend that the Local Authority should assess the proposals and outcomes of the relevant chapters of the Environmental Statement against the Local Planning Policies.

As will be outlined later, it should be noted that following the consultation process the RSS has been revoked. Therefore, conformity with regional planning policy is no longer a material planning consideration for this application.

The **Council's Planning Implementation Manager** states that the site is located within the Hetton Downs Area Action Plan (HDAAP) (at Preferred Options stage). The HDAAP was based on an assumption that quarrying activities would cease by 2009. Policy HD18 and HD21 of the HDAAP propose development of leisure and recreation on the site. Also major housing renewal is outlined in the HDAAP with sites to the west of the quarry proposed for housing. The Policy Officer considers that the extension of time will have an adverse effect on the delivery of the HDAAP.

Sunderland Planning Policy states that the permission for the extension of time for extraction at Eppleton Quarry would extend the land bank for sand and gravel in Tyne and Wear. Concerns raised by NERAWP have been highlighted that cessation of production from Eppleton is likely to impact upon Tyne and Wear's ability to meet its apportionment for crushed rock.

It is also stated that consideration needs to be given as to whether the proposals will prejudice the implementation of the HDAAP. However, the HDAAP was due to be adopted in 2010 but is now "on hold" at present pending the resolution of issues associated with the Council's school place planning programme, it is, therefore, considered that the policies within this document, although a material consideration, should not be a reason for refusal.

A consultation response has not been received from the **Council's Landscape and Visual Impact Team**. If a response is received prior to Committee this will be circulated to members.

Sunderland City Council Transportation Section has advised that there are no significant highway issues to justify a variation from the existing route, therefore the currently approved route is considered to be appropriate. This recommendation is on the basis that the existing condition limiting the number of large goods vehicles exiting the site be maintained.

The **Environment Agency** originally objected to the proposals as it was considered that they did not comply with the Water Framework Directive (2000/60/EC) and Planning Policy Statement 23 – 'Planning and Pollution Control' (PPS23) because there was insufficient information to demonstrate that there was no risk of pollution to controlled waters. This was due to the processing of colliery spoil on site to remove coal and red shale and the depositing of the remainder in the quarry void.

The Environment Agency did not have any information regarding the chemical properties of the processed material and found that the deposited colliery spoil presented a contamination risk to the underground aquifer which is in a Groundwater Source Protection Zone as designated by the Environment Agency. Such details as requested were submitted to the Environment Agency in May 2008 and they have now withdrawn their objection.

Comments have been received from **Natural England** regarding biodiversity, access and recreation issues, and on behalf of Defra regarding agricultural, soil resource protection and

associated reclamation considerations.

Natural England expressed concerns over protected species and Biodiversity Action Plan (BAP) species that may be affected by the development, most notably great crested newts, badgers and nesting birds. Natural England considered that additional information should be provided to demonstrate whether the development would have an adverse affect. Although the concerns highlighted by Natural England were related to both the Section 73 Application and the Full Application (Ref: 07/05523/FUL), it is considered they are more relevant to the Full Application as the application that is the subject of this report relates to an extension of time for an existing planning permission rather than an extension of area. However, the concerns have been addressed below. As previously stated on page 4 of this report, the Full Application has been considered alongside the Section 73 Application, but both are independent applications.

The Ecology Chapter within the Environmental Statement outlined that a risk assessment was undertaken which scoped out the presence of Protected and BAP Species, however, Natural England stated that information was required regarding how this risk assessment was undertaken.

A mitigation strategy, based on the risk assessment, was requested which was fully informed by survey results undertaken as part of the EIA. The Applicant provided the mitigation strategy and this has been forwarded to Natural England by the Council. A further response was received from Natural England which stated that they had no additional comments to make.

Further to this, Natural England welcome the principles for restoration including areas of hedgerows, woodland, wetland and magnesian limestone grassland. However, the Applicant is proposing a mix of amenity and downs grassland as they consider that magnesian limestone grassland will not establish on site. It should be noted that there is an existing area of magnesian grassland on site which will be unaffected by the development. The Council have stated that if magnesian limestone grassland cannot be established then lowland heath (downs grassland substitute) would be acceptable.

Natural England also welcome the principle of access to the nature conservation based recreation at the site, however, they have stated that access should be monitored and if necessary managed to ensure that fragile habitats such as the existing magnesian limestone grassland are not adversely impacted. It is considered that this will be included within the management plan.

Regarding soils and recreation, Natural England on behalf of Defra, have stated that they have no objection to the scheme. However, they would like to be identified as an interested party in the aftercare process. Natural England consider agriculture as a partial after use to be appropriate.

Durham County Council responded and have no comments to make regarding the proposed development.

Durham City Council have responded and have no objections or comments to make.

The following consultees did not respond, therefore, it has been anticipated that they have no comments on the application.

- Northumbrian Water;
- Great North Forest;

- Property Services Manager;
- Durham Wildlife Trust;
- HSE - Health and Safety Executive;
- UK Gas Business;
- Government Office for the North East; and
- Northern Electric.

POLICIES:

National Policy

Planning Policy Statement 1 - 'Delivering Sustainable Development' (PPS1)

Paragraph 19 of PPS 1 states that Planning Authorities should seek to enhance the environment, as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which may reduce or eliminate those impacts considered.

The impacts of the proposed development are assessed in the relevant chapters of the Environmental Statement which accompanies the Section 73 Planning Application in order to conform to current national guidance. This includes landscape and visual amenity, noise, dust, blasting, ecology and transport. The Environmental Statement concludes that with sufficient mitigation and relevant conditions attached to any subsequent planning permission the development is environmentally acceptable.

Developments must also be sustainable in an economic sense and planning should recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse local impacts. PPS1 goes on to state that planning should ensure that suitable locations are available for developments so that the economy can prosper.

Planning Policy Statement 7 - 'Sustainable Development in Rural Areas' (PPS7)

One of the key principles of PPS7 encourages sustainable development whilst maintaining high levels of economic growth and employment. The Supporting Statement considers that development will provide continued employment for the 42 people currently employed by Eppleton Quarry Products. This includes 26 HGV drivers who work full time, 4 head office/ ancillary staff working at Rushyford in County Durham and additional HGV drivers that sometimes work out of Eppleton Quarry.

The Supporting Statement also states that there are indirect employment benefits from the quarry which include those other companies who provide regular services to the site operations and supporting employment in the construction industry throughout the North East. It is considered that this may be the case; however, it is difficult to quantify the benefits associated with this.

It should be noted that, PPS4 'Planning for Sustainable Economic Growth' was published in December 2009 and supersedes the economic development section of PPS7. However, the key principle referred to above remains in place.

Planning Policy Statement 9 - 'Biodiversity and Geological Conservation' (PPS9)

The proposals include the reclamation of the site as an extension to Hetton Lyons Country Park and, therefore, are in line with PPS9 as they will make a contribution to the UK Biodiversity Action Plan as implemented through the Durham Biodiversity Action Plan.

As has been outlined previously, a risk assessment and mitigation strategy have been undertaken which has demonstrated that there will be no adverse impacts on habitats, Protected or BAP species as a result of the development. Natural England has no objection to the proposed development.

Planning Policy Guidance 13 - 'Transport' (PPG13)

Paragraph 46 of PPG13, states that conditions should be imposed to reduce the level of disturbance to residents, through noise and dust emissions from transport. Hours of operation at Eppleton Quarry are currently conditioned to control noise disturbance from vehicles and a set of conditions are also imposed to limit vehicles' dust emissions. Paragraph 47 suggests that when dealing with mineral sites it is important to look at more sustainable methods of transporting materials to and from the site. In terms of Eppleton Quarry this is not an option as there is no viable alternative facility for transporting minerals by either water or rail.

Planning Policy Statement 23 - 'Planning and Pollution Control' (PPS 23)

PPS 23 'Planning and Pollution Control' gives a broad requirement suggesting that for developments such as mineral workings, consideration must be given to the potential cumulative impacts on the surrounding area including noise and air pollution. Such assessments have been included within the supporting information to the application and conditions are imposed to the existing permission ensuring that appropriate mitigation is put in place.

Minerals Planning Statement 1 - 'Planning and Minerals' (MPS1)

MPS1 includes guidance on the principles of sustainable development, mineral supply, environment, landscape, agriculture and water resource considerations. Paragraph 40 of MPS1 states that '*minerals can only be worked where they naturally occur. Potential conflict can therefore arise between the benefits to society that minerals bring and impacts arising from their extraction and supply*'. In particular, developments must ensure that the environmental impacts caused by minerals operations and the transport of materials are kept as far as possible to an acceptable minimum. Chapters contained within the Environmental Statement that are relevant to this application conclude that with sufficient mitigation and relevant conditions attached to any subsequent planning permission, there will be no significant adverse environmental impacts caused by the extension of the time limit.

Minerals Planning Statement 2 – 'Controlling and mitigating the environmental effects of mineral extraction in England' (MPS2)

MPS 2 sets out how MPAs should minimise any significant adverse environmental effects that may arise from minerals extraction. Chapters within the Environmental Statement concludes that with sufficient mitigation and relevant conditions attached to any subsequent planning permission, there will be no significant adverse environmental impacts caused by the extension of the time limit.

Minerals Planning Guidance 7 – ‘Reclamation of Mineral Workings’ (MPG7)

MPG7 states that restoration and aftercare should provide the means to maintain or in some cases enhance the long term quality of land and landscapes. The proposals include the reclamation of the site as an extension to Hetton Lyons Country Park and, therefore, are in line with MPG7 which states that *‘Mineral workings reclaimed to amenity use can therefore contribute to Government policies in respect of recreation and nature conservation, including making a contribution to the UK Biodiversity Action Plan.’*

MPG7 also states that where there is serious doubt whether satisfactory reclamation can be achieved then there must also be a doubt whether permission for mineral working should be given.

The site restoration scheme (Drawing Number EPP/6/1/A) will be established by the Applicant and maintained for 5 years following on from this; however, the Applicant is under no obligation to provide maintenance costs for the site after this period. The Applicant has costed for the maintenance of the site a figure of £11,597.41 per annum. Legal advice was sought regarding the provision of maintenance costs and it was considered unreasonable of the Council to request any costs when this was not requested for previous permissions. As previously stated, legal advice has also indicated that in accordance with the Section 106 Agreement, maintenance beyond the statutory period will be undertaken by the Council.

Regional Policy

On 6th July 2010 the Secretary of State announced the revocation of the Regional Spatial Strategies with immediate effect. Regional Spatial Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. However, there is now a period between revocation of Regional Strategies and the legislation which is required to abolish them altogether. Guidance has been provided by DCLG which informs LPAs on the correct way to proceed.

MPAs continue to have responsibility for a steady and adequate supply of aggregate minerals to support economic growth and should now do this within the longstanding arrangements for minerals planning. It is not considered that the above is an issue with regard to this Section 73 Application; however, the implications of the above have been set out in detail within the Full Planning Application Committee Report.

Guidance has been taken from NERAWP in the form of their consultation response in determining this application.

Local Policy

In the Unitary Development Plan (1998) the site is subject to the following policies:

- B1 Priority areas for environmental improvements;
- CN15 Creation of the Great North Forest;
- CN23 Measures to conserve / improve wildlife corridors;
- EN15 Promoting / encouraging the reclamation of derelict land for appropriate uses;
- L3 Encouragement to regional recreation developments in appropriate locations;
- L4 Standards for outdoor sport and recreation;
- L5 Ensuring the availability of public parks and amenity open space;
- M3 Safeguarding minerals against unnecessary sterilisation by development;
- M8 Mineral Extraction;

M9 Operational Controls;
M12 Strategic requirements for development / extension of waste disposal/ transfer sites;
and
M13 Consideration of applications not complying with M12.

In the Sunderland City Council Core Strategy (Preferred Options) the site is subject to the following policies:

CS18 Mineral Safeguarding Areas.

In the Sunderland City Council Hetton Downs Area Action Plan (Preferred Options) the site is subject to the following policies:

HD18 Hetton Lyons Country Park Extension; and
HD21 Great North Forest.

KEY ISSUES:

The key issues to consider in determining the application are as follows:

- Land Use;
- Highways;
- Blasting;
- Contamination from Colliery Spoil;
- Need for the Development;
- The Proposed Time Period; and
- Restoration and Maintenance Issues.

Land Use

Policies B1 (Priority Areas for Environmental Improvements), EN15 (Promoting / Encouraging the Reclamation of Derelict Land for Appropriate Uses) and L3 / 4 and 5 (Leisure and Recreation Provision) of the UDP are relevant to the site. Restoration proposals for the site are in accordance with these policies. However, the proposals will delay the restoration of the site until December 2013. This is a total of 12 years not 4 as was originally envisaged under Planning Permission 99/00791/FUL.

The site is covered by Policy CN23 of the UDP, which states that development which would adversely affect the continuity of wildlife corridors, will normally be refused and Policy CN15, which states that developments which would adversely affect the creation of the Great North Forest will be resisted. The application site is already in existence and consequently it is considered that the proposal does not significantly impinge upon any wildlife network or corridor or the creation of the Great North Forest and once Eppleton Quarry is restored, it is considered the proposals will positively contribute to these policies.

The proposal must also be assessed against Policies M8 and M9 of the UDP, which provide criteria for ensuring that negative impacts, on the local community, the landscape and environment, conservation and transport, associated with the development are minimised. Policy M9 (i) states that suitable screening of operational works should be provided. Currently there is no screening on site and within the five year proposed time extension; it would not be feasible to provide screening for such a short time period. The Landscape and Reclamation Division within the Council have not expressed concerns with regard to screening of on site operations.

The site has permission to import inert construction waste in order to achieve the final restoration landform. The proposal is, therefore, in accordance with UDP Policy M13 which states that proposals to dispose of waste will be acceptable if it can be shown that the proposal will bring about early and necessary reclamation of derelict or degraded land including those restoration proposals for quarries which could not be expected to be reclaimed by other means.

The HDAAP has not yet been adopted, but must be considered when assessing this application. The site is located within the HDAAP (at Preferred Options stage). The HDAAP was based on the assumption that quarrying activities would cease by 2009. Policies HD18 and HD21 of the HDAAP propose development of leisure and recreation on the site. The extension, therefore, may have an adverse effect on the delivery of the HDAAP. The HDAAP is “on hold” at present pending the resolution of issues associated with the Council's school place planning programme. The reclamation to the west of the site is already underway, as mineral activities in this area have ceased and restoration already begun, which will reduce some of the negative impacts associated with prolonging the quarrying activities.

Highways

The main concerns of residents from the consultation event and objections received, in terms of the impacts of the development, are that the traffic associated with the quarry is causing disturbance in the residential area of Hetton-le-Hole. At present vehicles exit the haul road to the north east of the site and turn west on to the B1404 Gillas Lane. At the junction with the B1260 Gillas Lane East, Gillas Lane becomes Seaham Road and the large goods vehicles (HGVs) will take this route northwards (please see EPX/21/5 ‘Existing HGV Route – Option 1’).

Seaham Road then connects to the A690 north bound slip road via the roundabout junction of the B1404/ A690/ A182. Southbound HGVs must use the above roundabout to connect to the roundabout of the A1052/ A182/ A690.

It has been suggested by residents that HGVs should turn right onto the B1404 and join the A19 at Seaton. This route is currently not possible due to a weight restriction on Seaton Lane, therefore, this is not an option. The Transportation Section at Sunderland City Council considers that the existing route for the Section 73 Application is appropriate. A further noise assessment was also carried out to assess the impact of vehicle noise along Seaham Road. The assessment concluded that the noise produced by HGV traffic along Seaham Road does not exceed the permitted noise level of 55db (A) Leq measured 3.5 metres from any noise sensitive dwelling.

Blasting

Concerns have been raised by residents and Local Councillors relating to blasting that currently takes place on site. It has been requested that further testing is carried out to assess the possibility of vibrations travelling along faults in the rock and underground workings. There are concerns that structural damage is occurring to properties nearest to the quarry.

The vibration assessment carried out by the Applicant and submitted as accompanying information to the application recorded all vibration at surrounding properties including surface waves and those travelling along faults and underground workings. The report concludes that there are no negative impacts associated with the blasting occurring on site as the vibrations are below the recommended limits.

The assessment also concludes that old mine workings in the area do not increase the transmission of vibration waves in the surrounding area.

Eppleton Quarry Products have stated (letter dated 28 May 2008) that they will undertake a sample structural survey of one property on either Eppleton Terrace West or Eppleton Terrace East to be agreed with local residents and SCC. The structural survey has been offered in order to allay any resident's fears which may remain regarding structural damage to properties.

Contamination from Colliery Spoil

The Environment Agency were consulted on the proposed development, and consider that the proposals to use colliery spoil as backfill will not cause contamination to ground water as set out below. At present colliery spoil sits on a layer of glacial till (over-consolidated clay with interbedded deposits of silt, sand and gravel). Excavations in the quarry have revealed thick deposits of glacial till between the colliery spoil and basal permian sand but in the majority of the area to the east of the site, colliery spoil sits on a thin cover of glacial drift onto the underlying limestone.

The current proposals to place processed colliery spoil on a 1.5 metre layer of compacted clay will reduce the pathway for any contaminants to enter the aquifer, which is an improvement when compared with the situation prior to reclamation works taking place.

Need for the Development

The existing site has planning permission. As previously stated the purpose of the Section 73 Application is to fully reclaim the derelict site at Eppleton Quarry. The scheme is, therefore, primarily a reclamation scheme but sand and limestone were extracted as part of this so as not to sterilise the minerals through the development of the site as a country park. Therefore, if the application is permitted the reclamation of the site will be continued in order to achieve an improvement to the derelict site which was present prior to the currently approved development.

Basal permian sand is the primary mineral for extraction, however, this mineral lies underneath magnesian limestone, therefore, it is necessary to remove limestone to facilitate the extraction of sand as set out on Drawing Number EPX/5/1 (displayed in the committee room). The demand for overlying limestone dictates the rate of production of sand.

NERAWP states that although it cannot comment on the need for permian sand as it is a specialist type of material, in more general terms, if the proposals at Eppleton are not approved, there will only be two quarries in Tyne and Wear producing sand and gravel.

In addition, crushed rock is only produced at Eppleton and Marsden within Tyne and Wear. NERAWP have concerns that if Eppleton ceases to produce limestone, Marsden will not be able to produce enough to meet the Tyne and Wear crushed rock apportionment figures.

In terms of basal permian sand (yellow sand) the Applicant provided a letter on the 10 March 2010 which sets out the market for yellow sand in the north east. Under normal trading conditions Eppleton Quarry produces 250,000 tonnes per annum which accounts for 60% of the market in the north east. Aside from Eppleton four other quarries in the north east produce the remaining 40% of yellow sand which are Witch Hill, Quarrington, Raisby and Thrislington. The Applicant has highlighted concern over the continuity of production of

yellow sand to meet the 'established need' in the north east should the Application be refused.

Following a drilling programme in 2007 it has been estimated that sand and limestone reserves are more extensive than was previously thought. It is estimated that 1.5 million tonnes of recoverable materials remained to be worked at April 2008. If the extension of time is not granted permission 1.5 million tonnes of materials may be sterilised, and this would be contrary to Policy M3 Safeguarding Minerals against Unnecessary Sterilisation by Development. However, as previously stated, all of the limestone has already been extracted and some of the sand throughout the determination of this application, therefore, the figure which may be sterilised will be lower.

Although SCC's Core Strategy has not yet been adopted, the policies outlined within it are material considerations in the determination of the planning application. Policy CS18 outlines a Mineral Safeguarding Area around mineral deposits that are considered to be of current or future economic importance in the broad locations of Eppleton and Great Eppleton to safeguard the deposits against unnecessary sterilisation. This policy states that these areas have been designated in order that proven resources are not needlessly sterilised by non-mineral development; although there are no presumptions that resources identified will be worked.

The Proposed Time Period

To determine the proposed extension of timescales the Applicant has stated that as of April 2008 1.5 million tonnes of recoverable materials (1.3 million tonnes of sand and 0.2 million tonnes of limestone) remain within the Quarry.

Average production rates have been calculated by the Council from analysis of the 6 month progress report for Eppleton Quarry dated November 2007. A number of other progress reports have been received by the Council, the most recent being May 2009. The most recent reports have shown a decrease in production due to the economic downturn.

This figure was then used to calculate the timescales for remaining mineral extraction on site, working on the assumption that there is 0.2 million tonnes of limestone at April 2008. It is considered it will take approximately 2 years to remove limestone on site, from April 2008. The limestone reserves within the Section 73 Application area have now been extracted; however, the need to maintain limestone to established markets has resulted in the Applicant's working regime being amended on site and resources being worked from the eastern face.

Working on the assumption that there is 1.3 million tonnes of sand remaining and using the production rates provided in the planning application (250,000 tonnes per annum) it is considered it will take approximately 5.25 years to remove sand on site, from April 2008.

Therefore, the proposed extension of extraction until July 2013 and reclamation to overburden level by December 2013 is considered a sufficient time period to undertake the proposed development. As previously stated this has been revised from the Description of Development shown on the application forms and the amendment was confirmed in writing by the Applicant on 07 July 2008.

Restoration and Maintenance

At present the development at Eppleton Quarry has approval for extraction which should have ceased in April 2008 and restoration to overburden level by September 2008 under

Planning Permission Reference: 99/791/FUL. Restoration completed as part of this permission will include woodland, grassland, amenity open space and a small pond/ wetland area as shown on Drawing Number Epp6/1, the existing restoration plan.

However, an additional restoration scheme was submitted with this application as shown on Drawing Number EPP/6/1/A (displayed in the committee room). Should this Section 73 Application be granted permission, it is considered an improved restoration scheme will be delivered with increased woodland and improved features as amended through discussions between the Applicant and the Council. The site will be restored as an extension to Hetton Lyons Country Park.

The development is also in accordance with UDP Policy B1 where visually prominent sites, especially next to areas of older housing with poor quality surroundings, should be given priority in securing improvements.

In the longer term, once site operations have ceased, the affects of the development are considered to be beneficial and will accord with Policy CN15 which states that development which assists in creating the Great North Forest should be permitted if in accordance with other policies. Further to this, the majority of trees proposed are in the western area of the site, as mineral extraction has ceased in this area the benefits will be apparent in the shorter term.

The Great North Forest is a major objective in the long term restructuring of the countryside of South Tyne and Wear and North East Durham towards a robust and attractive well-wooded landscape, providing opportunities for recreation, education, nature conservation and farming. The development is in accordance with the long term objectives of the 'Forest Plan' which is a 40 to 50 year initiative.

The Applicant is under no obligation to provide maintenance costs for the site under the current planning permission and none are proposed under this Section 73 Application. The Applicant has costed the maintenance of the site at £11,597.41 per annum. Following 5 years from the completion of the restoration scheme, the statutory aftercare period, in accordance with the Section 106 Agreement, the site should be transferred back to the Council in order for them to maintain it in the future. However, the Section 106 Agreement states that 'unless and until' this time the site shall be maintained beyond the aftercare period to the satisfaction of the Council by the owners of the land or the Applicant. The securing of maintenance beyond the 5 year aftercare period is, therefore, in place through the Section 106 Agreement, by either the Applicant or the Council.

Should the restoration and long term maintenance of the site be secured this will be in accordance with Policy L3 of the UDP which seeks to encourage recreational developments of a regional nature where there is adequate access. The UDP states that an attractive countryside and urban environment, well provided for in recreational facilities, not only improves quality of life of residents, but also helps to promote the area to potential investors, tourists and visitors.

Policy L4 of the UDP involves increasing long term standards for access to outdoor sport and recreation and this proposal will increase standards in the area. Should this application be granted, opportunities for recreation will be increased through the provision of the restoration scheme described above.

The HDAAP has not yet been adopted as it is "on hold" at present pending the resolution of issues associated with the Council's school place planning programme. The HDAAP must still be considered when assessing this application as it sets out the Council's plans for

future development in the area.

The proposals accord with Policies HD18 and HD21 of the HDAAP which support and promote the development of appropriate leisure and recreational facilities on the extension of the Hetton Lyons Country Park. The document also encourages a programme of intensive planting of tree belts and woodland using native species in Hetton Lyons Country Park extensions through the Great North Forest objective.

However, the HDAAP was based on the assumption that quarrying activities would cease by 2009. The extension, therefore, may have an adverse effect on the delivery of the HDAAP, within these timescales.

Eppleton Quarry is considered to be a weakness by the HDAAP. The document states that the quarry has a '*highly visible and negative effect on town fringe with additional quarrying taking place*'.

CONCLUSION

The site currently has planning permission, granted in February 2006, for the reclamation of the disused quarry and colliery by the extraction and processing of minerals; coal washing; construction of a new access road; importation of inert construction waste and soil; restoration to a country park and 5 year aftercare. Mineral extraction is permitted to April 2008 and the period for restoration to overburden level is permitted to September 2008.

Following a drilling programme on site, sand and limestone reserves were assessed and found to be more extensive than was previously thought. A Section 73 Application was then submitted to extend the period for mineral extraction to April 2011 and to extend the period for restoration to September 2011. Following an assessment of rates of extraction by the Council, this Section 73 Application was amended to allow mineral extraction to July 2013 and restoration to overburden level by December 2013.

The original intention by the Council was that the Applicant would take on a derelict site and reclaim it at no cost to the Council, whilst extracting all minerals so as not to unnecessarily sterilise reserves on site.

The permitted scheme has an approved restoration scheme and the Applicant has begun restoring the site. However, the Applicant submitted an alternative restoration scheme with the application. This scheme through discussion with the Applicant has been further amended and is considered by the Council to be an improvement on the agreed scheme.

It is, therefore, considered by the Officers that this will be an improvement on the previous scheme which was the basic reclamation of a derelict quarry site. The continuation of mineral extraction will also avoid sterilisation of minerals unnecessarily through the reclamation of the site as a country park. The consequences are that the intended 4 year reclamation scheme from the original year of commencement in 2001 is now a 12 year scheme in total if this Section 73 Application is approved.

The Section 106 Agreement previously referred to which was entered into as part of the original planning permission Reference: 99/00791/FUL will remain in place, under which it is intended that the site will be maintained for 5 years by the Applicant and then transferred to the Council along with the maintenance obligations. However, 'unless and until' this time the site shall be maintained beyond the aftercare period to the satisfaction of the Council. Either way the site will be maintained as a country park beyond the aftercare period either by the

Council or the Applicant.

All relevant policies have been assessed with regard to the development and the development has been recommended for approval as it is in accordance National Planning Policies (PPS1, 7, 9 & 23 and PPG 13) and Mineral Planning Policies (MPS 1, 2, & 7). The development is also in accordance with UDP Policies B1, CN15, CN23, EN15, L3, L4, L5, M8, M9, M12 and M13 as well as Core Strategy (Preferred Options) Policy CS18. The development is also in accordance with the principles of Policies HD18 and HD21 included in the Hetton Downs Area Action Plan (Preferred Options), however, this development will delay the use of the site for recreation purposes by 2009 which is against the timescales set out within the policies. The HDAAP is on hold at present, therefore, this is not considered to be of significant concern until the document is formally adopted.

All statutory consultees that responded have no objections to the development.

All material considerations regarding the development have been assessed and the key issues for consideration highlighted within the report. The development is again considered acceptable as there is a proven need for the development, to reclaim the site from its original derelict state and in order to help meet the region's need for sand and gravel and apportionment for hard rock.

Objections from local residents have also been considered. Appropriate mitigation measures put in place through planning conditions would allow the development to accord with appropriate legislation and guidance in terms of issues such as blasting and highways. Members are, therefore, recommended to approve the application subject to the following conditions.

Reason for Approval

All relevant policies have been assessed with regard to the development and the Application has been recommended for approval as it is in accordance National Planning Policies (PPS1, 7, 9 & 23 and PPG 13) and Mineral Planning Policies (MPS 1, 2, & 7). The development is also in accordance with UDP Policies B1, CN15, CN23, EN15, L3, L4, L5, M8, M9, M12 and M13 as well as Core Strategy (Preferred Options) Policy CS18. The development accords with the above policies as the Application will see an improvement on the previous restoration scheme bringing greater community benefits to the area. The continuation of mineral extraction will also avoid sterilisation of minerals unnecessarily through the reclamation of the site as a country park. The development is again considered acceptable as there is a proven need for the development, to reclaim the site from its original derelict state and in order to help meet the region's need for sand and gravel and apportionment for hard rock.

Appropriate mitigation measures put in place through planning conditions would allow the development to accord with appropriate legislation and guidance in terms of issues such as blasting and highways. Members are, therefore, recommended to approve the application subject to the following conditions.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

CONDITIONS

GENERAL

1. The development to which this permission relates shall be carried out in complete accordance with the approved plans and specifications of Planning Application 99/00791/FUL, 05/00384/LEG and 02/01686/VAR. (1)
2. From the commencement of the development to its completion, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be available on the site for inspection during normal working hours. (2)
3. Every 6 months from the date of this permission until the completion of the restoration a written report setting out the progress on both the minerals extraction and the restoration, to overburden level shall be submitted to and agreed in writing by the Local Planning Authority, in order that the Local Planning Authority may retain control of the development.

MATTERS REQUIRING SUBSEQUENT APPROVAL

4. *The development hereby approved shall only be carried out in accordance with a scheme or schemes to be agreed with the Mineral Planning Authority which shall, include provision for:*
 - a) *Details of siting, design, external appearance and materials of all buildings in excess of 50m² associated with the development shall be submitted to and approved by the Mineral Planning Authority before the scheme commences; (6)*
 - b) *Details of the proposed surface water drainage to be provided including:*
 - i) *The siting of the lagoon/ soakaway with the dimensions, and specifications of connecting pipes and cut-off ditches around the perimeter of the site and operating areas;*
 - ii) *Specifications of temporary sump structures or holding ponds for the treatment of surface water entering excavations;*
 - iii) *The plant and machinery associated with the coalwashing and the discharge of water; (8 & 23)*
 - c) *Details of wheel cleaning equipment and its location within the site; (9)*
 - d) *Details for the type and height of fencing and other means of enclosure to be provided for:*
 - i) *The perimeter of the site;*
 - ii) *Security fencing around lagoons; (6 & 19)*
 - e) *Details of the new haul road from the site to the B1404 to the north include:*

i) Fencing and drainage details;

ii) Location and design of entrance gates, boundary treatment;

iii) A visibility splay of 4.5m x 215m at the junction with the B1404 wherein there is no obstruction in excess of 1 metre;

iv) Metalling of the road with a minimum width of 7.3m and gradient not in excess of 4% for the first 50m from the B1404; a minimum width of 4m for the rest of the road and an appropriate number of passing places;

v) Details of the engineering construction for crossing Rough Dene Burn;

vi) Longitudinal and cross sections;

vii) Details of the after use and downgrading of the haul road when the importation and exportation of materials from the site has ceased;

Shall be submitted for the consideration of the Mineral Planning Authority and the approved details so implemented. (2,6 & 7)

f) Details of the planting specifications including the woodland/ hedgerow planting to be carried out in accordance with the Restoration Scheme on Drawing Number (EPP/6/1/A) shall include:

i) The species to be planted and the percentage of the total to be accounted for by each species; (3, 6)

ii) The size of each plant and the spacing between them; (3)

iii) The preparations to be made to the ground before planting; (3)

iv) The fencing off of planted areas by stockproof/ rabbit proof fencing; (3)

v) Subsequent maintenance arrangements for five years after the planting has been carried out which shall include the weeding of the planted area, repairing any damaged fencing and the replacement of any plants which die; (3)

vi) Details of the planting specification outside of the planning application boundary to the west of the site as shown on Drawing Number EPP/6/1/A shall include details relative to Condition 4 f i) to v). (3)

g) The restoration of the site, which shall include:

i) The final contours for the site (at 2 metre intervals), indicating how such contours tie in with the existing contours on adjacent land, but more detailed contours (at 1 metre intervals) near sensitive development adjacent to property and wetland features to be shown on a plan; (3)

ii) The drainage details of the restored site; (3, 7, 8)

iii) The erection of fences; (3)

iv) The planting of trees shrubs and hedges and their subsequent maintenance for

five years; (3, 6)

v) The formation of wetland areas/ ponds including details of the design and depths of all ponds including the required liner and associated aquatic plants and the subsequent formation; (3, 6)

vi) Specification of width and construction and surface treatment of main and secondary footpaths, bridleways and cycle routes. (11)

h) The aftercare of the restored land after the replacement of topsoil in accordance with Condition 68, to bring the land to a condition where it is fit for the specified uses (amenity, forestry, agriculture), such after care to include:

i) Preparing the land for cultivation, which shall include sub-soiling, preparation of seed beds and application of fertilisers; (20)

ii) Grass seeding of the site and the establishment and maintenance of satisfactory sward; (20)

iii) The provision of a field water supply other than the woodland areas; (20)

iv) The provision of an under drainage system, other than the woodland areas; (20)

v) Where necessary the inoculation of soils with earthworms; (20)

vi) Arrangements for reviewing the progress of after-care treatment with the Mineral Planning Authority and the Department for Environment, Food and Rural Affairs; (20)

i) Details of all methods to be used to suppress dust emissions from the site in accordance with the requirements of Condition 41 and The City Health and Housing Services, Pollution Control Section including an action plan specifying all activities to be undertaken to suppress dust emissions;

Such a scheme shall include where necessary details of:

- Site layout;
- Soil handling and storage;
- Overburden handling and storage;
- Loading/ unloading activities;
- Materials storage;
- Transport by vehicles within and off the site;
- Water supply arrangements;
- The provisions of mobile bowzers, vapour mats and wheel washers; and
- Mechanical road sweeping equipment for land surface areas/ roads.

j) Notwithstanding details already submitted, a detailed scheme for the design, construction, conversion and equipping of the proposed site support area to include its location, appearance, materials and internal layout, shall be agreed with the Mineral Planning Authority;

k) A scheme for the treatment of contaminated land within the site, including a contingency plan should any areas of contamination be discovered; (8, 19 & 23)

l) A noise monitoring scheme in accordance with the requirements of the City of

Sunderland Health and Housing Services, Pollution Control Section. (5)

5. A scheme or schemes required by condition 4 a,b,c,d,e,l,j,k and l shall be submitted to the Mineral Planning Authority before works commence. In the area within the 1st phase a scheme required by conditions 4 f, g(i), g(ii), h shall be submitted to the Mineral Planning Authority within 6 months of the date of commencement. For the remaining area of the site schemes under condition 4 f, g(i), g(ii), h shall be submitted within 12 months of commencement. Schemes required for 4 b(iii), shall be submitted to the Mineral Planning Authority if applicable at least 28 days prior to the date of commencement. (1)

COMMENCEMENT

6. The development hereby approved must commence not later than 12 months from the date of this decision. (21)

COMPLETION

7. All mineral extraction shall cease no later than 31st July 2013 unless otherwise agreed in writing by the Mineral Planning Authority. (1 & 4)
8. The site shall be restored to overburden level as far as required by the Mineral Planning Authority by December 2013, unless as otherwise agreed in writing by the Mineral Planning Authority. (4)

WORK REQUIRED BEFORE SOIL STRIPPING OPERATIONS COMMENCE

9. *Before substantive soil stripping (other than for preliminary works themselves) begins, the following measures shall be carried out:*

a) Perimeter stockproof/ security fencing as required, in accordance with details required by condition 4 (d); (2)

b) A temporary fence shall be erected at a distance of not less than 5 metres from the base of any tree or at the outside edge of the tree canopy, whichever is greater, of any tree on or adjacent to the site, or adjacent to any hedgerow on or adjacent to the site which is to be retained during the development, in order to protect them from damage during the development; except where hedgerows are protected by site boundary fencing to be erected inside the hedgeline. No site operations shall take place within 6 metres of the site boundary except for the construction, maintenance and restoration of the drainage ditches and access to the baffle mounds for maintenance; (6 & 16)

c) The provision within the site of a sufficient number of water bowsers and/ or dust suppression equipment in accordance with the agreed dust suppression scheme required by Condition 4 (i); and (8 & 23)

d) Adequate settlement lagoons in accordance with Condition 4 b(i) shall be agreed in writing with the Mineral Planning Authority. (8 & 23)

HEDGEROWS

10. *The 'gapping up' of hedgerows around the site boundary in the first appropriate season shall be carried out in accordance with a specification to be agreed in*

advance with the Mineral Planning Authority. (6)

WORKS REQUIRED BEFORE EXTRACTION COMMENCES

11. Before any mineral extraction begins, the following works shall be carried out:

a) The erection of appropriate warning signs to both pedestrians and drivers at the point where diverted public right of way crosses the site access as detailed in paragraph 18.2.2 of the Environmental Statement; (9)

b) The formation of the site compound on a drawing to be submitted with a surface formed of tarmacadam, concrete or consolidated clean stone laid to a fall to prevent the ponding of water; (8 & 23)

c) The formation of the site access in full accordance with the agreed details required by Condition 4e; (2, 6, 7 & 9)

d) The provision of a notice board at the site access to be clearly visible to all drivers of mineral haulage vehicles leaving the site, instructing them to turn left upon leaving the site and inform them of there designated haulage route for all mineral haulage vehicles; (9)

e) The installation of the wheel cleaning equipment in accordance with the specification agreed with the Mineral Planning Authority and required by Condition 4 c to prevent the transfer of mud onto the public highway; (9)

f) The provision of a notice board of durable material and finish at the entrance to the site indicating the name of the site and the name and address and telephone number of the company or person responsible for the operation of the site together with the City of Sunderland indicating that there is a joint land reclamation and mineral recovery scheme; (2)

g) Details of mobile coal washery and means of water disposal in accordance with Condition 4 b (iii); (8 & 23)

h) Formation of top soil and sub soil mounds; and (22)

i) During the soil stripping operations the provision of the drainage works described in paragraphs 14.14.1.1 to 14.14.1.6 of the Environmental Statement and in accordance with the details agreed in writing with the Mineral Planning Authority in accordance with condition 3 b. (8 & 23)

HOURS OF WORKING

12. Mineral extraction operations authorised by this consent, shall be restricted to the period 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays. All mineral laden vehicles entering and leaving the site shall be restricted to the period 0700 hours to 1730 hours Monday to Thursday, 0700 hours to 1700 hours on Fridays and 0700 hours to 1200 hours on Saturdays. (5)

13. No site operations other than necessary pumping or emergency work shall be undertaken on Sundays, Public or Bank Holidays.

a) No coal other than working stocks shall be kept on site unless otherwise

agreed with the Mineral Planning Authority.

- b) All overburden excavation by means of shovel and dump-truck shall only take place between 0700 hours and 1900 hours Monday to Friday and between 0700 hours and 1300 hours on Saturday.
 - c) The operation of the barrel washery and all associated activities shall be restricted to 0700 hours and 2300 hours Monday to Friday and 0700 hours to 1300 hours on Saturday. (2,5 & 6)
14. Except for routine maintenance on the washery or any equipment or pumping, there shall be no working of reserves or stockpiles or any outdoor on site activity outside the hours described in Conditions 12 and 13. (5)

VEHICLE ENTERING AND LEAVING THE SITE

15. Vehicular access to and from the site shall only be via the approved site access to the B1404 and lorry route shown on submitted Drawing No. Epp/2/3b (Amendment A).
16. All mineral laden vehicles leaving the site will exit at the junction with the B1404 turning left onto Gillas Lane and adjacent the residential area of Houghton le Spring on Seaham Road, turning left to join the A690.
17. Return traffic will follow the same route. HGVs are not permitted to use any other route to and from the site. (5 & 9)
18. All mineral laden vehicles leaving the site must be sheeted. (5)
19. Not more than 10 HGVs per hour shall enter or leave the site on any working day (as specified in Condition 12), unless otherwise agreed in writing with the Local Planning Authority. A record of the number of lorry loads leaving the site shall be maintained on site and made available for inspection by the Minerals Planning Authority during normal working hours of the site. (5)
20. A scheme for protecting the drivers of vehicles from stray golf balls where the private haul route runs alongside Houghton Golf Course shall be submitted for the consideration of the Mineral Planning Authority and the agreed shall be so implemented. (19)
21. Wheel cleaning equipment installed in accordance with Condition 11 e shall be used when required to ensure all vehicles leaving the site are thoroughly cleaned before entering the public highway. The surface of the site road between the wheel washing facilities and the public highway shall be kept clear of mud, dust or debris at all times. (5)

BLASTING

22. Blasting shall not take place more than twice in any four-week period unless otherwise agreed in writing by the Mineral Planning Authority. (5)
23. Blasting should only be conducted between 10.00 and 15.00 hours Monday to Friday. No blasting shall take place on Saturdays, Sundays or public holidays. (5)
24. Details of the means of visible and audible warnings which shall be made before any blast takes place shall be submitted to the Minerals Planning Authority for

consideration and the agreed measures shall be so implemented. (5)

25. No component of the peak particle velocity attributable to any blast shall exceed a peak particle velocity of 6mm-1 for 95% of blasts when measured at any sensitive receptor location. (5)
26. The programme of blast monitoring undertaken and set out in Planning Application 07/05523/FUL should be continued. The results of which will indicate whether or not there is a compliance with approved vibration criteria. (5)

SOIL STRIPPING

27. No soil stripping shall take place before the provision of adequate settling ponds, which shall be created during the soils stripping phase of the operation, the details of which shall be agreed with the Mineral Planning Authority. (22)
28. The Mineral Planning Authority shall be given at least 48 hours notice (excluding Sundays), of any intended phase of topsoil or subsoil stripping; such works to proceed only subject to their approval. (22)
29. All topsoil shall be stripped from any areas to be excavated, or used for the stationing of plant and buildings, or the storage of subsoil and overburden or haul roads or other areas to be traversed by heavy machinery, and stored until required for restoration. (22)
30. No plant or vehicles shall cross any areas of unstripped topsoil except for the purpose of stripping operations. (22)
31. Sufficient subsoil or similar material agreed to by the Mineral Planning Authority shall be stripped from any areas to be excavated or used for the stationing of plant and buildings, the storage of overburden or haul roads or other areas to be traversed by heavy machinery. This is to ensure that a minimum of 1 metre depth of material is available for replacement uniformly over all stripped areas, and stored until required for restoration. (22)
32. The stripping and movement of topsoil and subsoil shall only be carried out under sufficiently dry conditions when topsoil is in a friable state (soil dryer than its lower plastic limit). Appropriate methods of soil tripping should be separately agreed with the Mineral Planning Authority, specifically for any permanently wet or waterlogged areas of the site. (22)
33. Topsoils, subsoils and other soil making materials shall be stored according to their quality or any approved soils stripping plan, on separate heaps which do not overlap. The maximum size of individual tops soil/ soil heaps shall not exceed 5 metres in height to be illustrated on a plan to be submitted for the consideration of the Mineral Planning Authority, in accordance with Condition 35 following. (22)
34. The outer slopes of the overburden mound shall be created and hydroseeded as soon as practicable in accordance with the scheme to be agreed beforehand with the Mineral Planning Authority and shall be subsequently be kept in a tidy conditions free from litter and weeds. (6)
35. No topsoil or subsoil shall be removed from the site unless otherwise agreed in

writing with the Mineral Planning Authority.

36. Within three months of the formation of topsoil and subsoil heaps the Mineral Planning Authority shall be supplied with a plan indicating the area stripped of topsoil and subsoil, the location of each heap and the quantity of material in it. (2 & 3)

METHOD OF WORKING

37. Extraction shall be carried out in stages as shown on plans Epp/5/5 to Epp/5/11 and as described in Section 5 of the Environmental Statement submitted with Planning Application 99/00791/FUL. (4,5,6 & 18)
38. The Mineral Planning Authority shall be given at least 48 hours notice (excluding Sundays) of the commencement of extractive operations. (2)
39. A strip of land at least 12 metres wide shall be maintained at existing ground levels (except for any topsoil and subsoil stripped from the surface) adjacent to any highway. (9)
40. Overburden shall only be stockpiled in the areas shown on plans submitted to a height not exceeding 20 metres. (6)
41. In each phase the final layer of overburden backfilled into voids of completed workings shall be graded and back-bladed to prevent the material becoming saturated and waterlogged. (3)

PLANT MACHINERY AND BUILDINGS

42. Any buildings, fixed plant, structures and fixed machinery erected in accordance with Part 19(a) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 shall be located on site within the site compound area or such area to be agreed in writing by the Mineral Planning Authority. (5 & 6)
43. Plant and machinery on the site shall not be used to process, treat or otherwise refine materials other than those extracted from the site unless as otherwise agreed in writing by the Mineral Planning Authority. (5)

ENVIRONMENTAL PROTECTION

44. Noise emitted from the site shall not exceed the following levels:
- a) 55db (A) Leq 1hour (free field) between the hours of 07.00hrs and 19.00hrs (23.00 hrs for the barrel washer) Monday to Friday and Saturday 07.00hrs – 13.00hrs, measured 3.5 metres from the façade of any noise sensitive property or dwelling adjacent to the site.
45. Monitoring of noise in accordance with condition 4 (1) shall be carried out by the operator on a monthly basis and within 48 hours of any written request. (5)
46. The results of all monitoring shall be provided to City Health and Housing Services, Pollution Control Section on a monthly basis and within 48 hours of any written request. (5)
47. At all times during mineral extraction measures shall be taken to minimise site noise

as listed in paragraph 13.10 of the Environmental Statement of Planning Permission
Reference: 99/791/FUL. (5)

48. Advance notifications of changes in the agreed working programme shall be given to the Mineral Planning Authority. (2 & 5)

DUST

49. The dust control equipment installed in accordance with Condition 49 shall be used at all times to suppress dust on site arising from all operations including vehicular movement and excavation operations and mineral and overburden stockpiling arrangements. At such times when the equipment provided is not sufficient to suppress dust arisings from the site, operations shall cease until additional equipment is provided and found to be adequate. (5 & 10)
50. Before any mineral extraction commences it will be necessary to provide water supply and dust suppression equipment, in accordance with the agreed scheme under Condition 4 (i).

Dust suppression measures employed will include, where necessary:

- a) The provision of mobile water bowzers and vapour mats;
 - b) The use of dust filters on all fixed plant and machinery;
 - c) All haul roads and areas used for the storage of soils and overburden, and excavation areas shall be watered during dry and windy weather conditions as required by the Action Programme;
 - d) The hydroseeding of the overburden mound. (5, 7 & 19)
51. Continuous monitoring of dust levels will be carried out by the operator at 4 locations agreed by the Mineral Planning Authority.
- a) Maudlin Street
 - b) Blossom Street
 - c) Eppleton Terrace
 - d) Great Eppleton Farm (5,7 & 19)
52. Monitoring shall be carried out at the locations listed in Condition 50 three times per week. On request, the operator shall supply the Mineral Planning Authority with the particulars of the measurements recorded by the equipment. (5, 7 & 19)

GROUND WATER AND SURFACE WATER PROTECTION

53. All water from the site shall be discharged into the approved water treatment areas / settlement ponds prior to discharge into any ditch, stream, water course, culvert or pipe outside the development site. (8 & 23)
54. All measures as may be determined by the Mineral Planning Authority shall be taken to ensure that no flooding and no silting, pollution or erosion of any watercourse or adjoining land is caused by any operations on the site. (8 & 23)
55. Oil, petrol, diesel oil, lubricant, paint or solvent shall only be stored within the site within an impervious bund or enclosure, the volume of which shall be at least 110% of the capacity of the largest storage tank. Bund walls and floors should be impermeable to water and oil and there should be no drain for the removal of

contained liquids. The discharge of such material to any settlement pond, ditch, stream, watercourse or other culvert shall not be permitted. Any bund contents shall be boiled or pumped out under manual control and disposed of safely. All filling and distribution valves, vents and site glasses associated with the storage tanks shall be located within the bunded area. (8 & 23)

56. There must be no connection from the soakaway with any watercourse or land drainage system. (8 & 23)
57. Facilities shall be made available in order to provide extra treatment where necessary (e.g. addition of coagulant) and shall be used so that any discolouring effect of the discharge is controlled to a level acceptable to the Mineral Planning Authority. (8)
58. Upon cessation of mineral extraction, all settlement ponds shall (unless to be retained in accordance with the approved restoration plans) be emptied and filled with suitable dry inert material. (8 & 23)
59. During the aftercare period, temporary drainage works (e.g. ditches, watercourses, settling lagoons) shall be provided as necessary to prevent flooding of land within or outside the development site or the erosion or silting up of existing channels within or outside the site. (8 & 23)

SITE MAINTENANCE

60. From the commencement of development until restoration of the site, the following shall be carried out:
- a) The maintenance of fences in a stockproof condition between any areas used for development authorised by this planning permission and any adjoining agricultural / housing land (18);
 - b) The retention of fencing around trees and hedgerows provided in accordance with Condition 9 of Planning Permission 99/791/FUL (6);
 - c) The maintenance of all hardstanding areas and surfaced roads over which licensed road vehicles operate clean from mud (2);
 - d) The clearance of mud and silt from settlement ponds to avoid reducing their capacity for retaining water (7 & 8);
 - e) The treatment of trees affected by disease (6).

ITEMS OF ARCHAEOLOGICAL OR SCIENTIFIC INTEREST

61. Any item of archaeological or scientific interest discovered during the course of excavations shall be reported to the Mineral Planning Authority and a reasonable opportunity shall be afforded for them to respond if notified. (15)

COLLIERY SPOIL

62. Should planning permission be granted for the extension of Eppleton Quarry Planning Permission 07/05523/FUL, backfilling using Colliery Spoil under this application will cease before commencement of the extension application. (10 & 23)

LAND FILL

63. Unless otherwise agreed in writing by the Mineral Planning Authority, waste materials

imported onto the site for landfill purposes shall not be worked, blended or recovered for export from the site. Landfill materials shall be restricted to on-site colliery spoil and inert construction waste only. (4 & 23)

RESTORATION

Removal of Plant, Machinery and Buildings

64. All plant, machinery and buildings erected in accordance with this permission or in accordance with the Town and Country Planning (General Permitted Development) Order 1995 and not required for the aftercare scheme, shall be removed from the site by the end of the restoration completion period in Condition 8. (4)

Removal of site compound and access and haul roads

65. Upon cessation of mineral extraction, all areas of hardstanding, including site compounds, access road excluding the length of road to be from the B1404 to be retained as an agricultural access road.

Removal of settlement ponds

66. Upon cessation of mineral extraction, all settlement ponds shall, unless to be retained in accordance with the approved restoration plans, be emptied of slurry, filled with dry inert material and restored to the satisfaction of the Minerals Planning Authority. (3)

Replacement of overburden

67. The final layer of overburden backfilled and the resultant landforms should be consistent with the Restoration Plan EPP6/1/A. (3)
68. After cessation of mineral extraction, overburden and imported waste materials shall be replaced to such levels to afford a 1 metre cover and in such a way so that, after the replacement of subsoil and topsoil the contours of the restored land conforms with restoration contours in accordance to Drawing Number EPP/6/1/A or as otherwise agreed with the Minerals Planning Authority.
69. The Minerals Planning Authority shall be notified when Condition 66 has been complied with and shall be given an opportunity to inspect the surface before further restoration work is carried out. (3)

Replacement of Subsoil

70. The topsoil and subsoil stripped and stored shall only be respread when it (and the ground onto which it is to be placed) are in a sufficiently dry condition. (3)
71. After Condition 68 has been complied with, the material stripped and stored in accordance with Condition 30, shall be respread in two layers of equal thickness, each layer to be agreed beforehand with the Minerals Planning Authority. (3)
72. Each layer formed in accordance with Condition 70 shall be cross-rooted to its full depth and into the underlying layer by a heavy duty subsoiling implement with winged times set no less than 600mm apart and any non-subsoil type material or rock,

boulder or stone larger than would pass through a wire screen mesh with a spacing of 150mm shall be removed from the surface and not buried within the respread subsoil. (3)

73. All areas of exposed subsoil, not previously excavated, shall be rooted to 450mm depth at 600mm spacings, to relieve compacting surface picked to remove any obstructions to cultivation as defined by Condition 71. (3)
74. The Minerals Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Condition 70 and 71 prior to further restoration being carried out and should be kept informed as to the progress and stage of all works. (3)
75. Following compliance with Conditions 71 and 72 the surface shall be graded to ensure that, after replacement of topsoil in accordance with Condition 70, the contours of the landform conform with restoration contours shown on plan EPP6/1/A and in accordance with Condition 4 (g) or as otherwise agreed with the Minerals Planning Authority.

Replacement of Topsoil

76. The respreding of topsoil shall only be carried out when the material and the ground which it is to be placed are in a dry and friable condition (i.e. soil drier than its lower plastic limit).
77. After Condition 74 has been complied with, topsoil shall be respred to an average depth of 200mm over the whole area stripped in accordance with Condition 8 and be graded to the contours shown on the approved restoration plan. In the areas to be used for the Amenity and Agriculture a uniform depth of 300mm shall be provided or as otherwise agreed by the Mineral Planning Authority. (3)
78. The Minerals Planning Authority shall be given the opportunity to inspect the topsoil respred in accordance with Condition 76 prior to further cultivations being prescribed and carried out. (3)

V. AFTERCARE

Annual Review

79. Before 31 August of every year during the aftercare period, a report shall be submitted by the developer to the Minerals Planning Authority recording the operations carried out on the land during the previous 12 months and setting out the intended operations for the next 12 months. (20)
80. Every year during the aftercare period, the developer shall arrange a site meeting to be held before 31 November to discuss the report prepared in accordance with Condition 78 to which the following parties shall be invited:
- a) the Mineral Planning Authority;
 - b) the Department for Environment, Food and Rural Affairs;
 - c) all owners of land within the site;
 - d) all occupiers of land within the site. (3 & 20)

Cultivation after Replacement of Topsoil

81. As soon as the ground is sufficiently dry after compliance with Condition 76 the land shall be subsoiled, using an agricultural winged tined subsoiler, operating at a depth and time spacing agreed beforehand with the Minerals Planning Authority. (3)
82. Any stones lying on the surface after compliance with Condition 80 and which are larger than would pass a wire screen mesh with a spacing of 50mm together with any other objects likely to obstruct future cultivation, shall be removed from the site. (3)
83. Following compliance with Condition 81, the land shall be worked to prepare a seedbed suitable for the sowing of grass seeds. During the cultivation process any stones lying on the surface which are larger than would pass a wire screen mesh with a spacing of 50mm, together with any other objects likely to obstruct future cultivation, shall be removed from the site. (3)
84. By no later than the end of September following compliance with Condition 82, the land shall be sown on the following basis –
- i) Perennial grass and white clover on the land to be restored for agricultural;
 - ii) Hard wearing amenity grass mature on the land to be restored to amenity;
 - iii) Low maintenance type grass mixture on the land to be restore to woodland.

Details of the mixture including species and seed rate shall be agreed with the Minerals Planning Authority before sowing takes place. (3)

85. Where adverse weather conditions or other delays prevent compliance with Condition 83, alternative treatment of the restored soils shall be agreed with the Minerals Planning Authority, to stabilize these over the winter period. (4)

Drainage/Water Supply

86. During the aftercare period, temporary drainage works (e.g. ditches, watercourses, settling lagoons) shall be carried out as necessary to prevent soil erosion, flooding of land within or outside the site or the erosion or silting up of existing drainage channels within or outside the site. (2,8 & 23)
87. Within the first two years of the aftercare period, a field water supply system shall be installed to areas other than the woodland areas and amenity grassland area. (3)
88. A comprehensive field drainage system for the agricultural and amenity areas, conforming to the normal design criteria for restored land, and in accordance with a scheme to be approved beforehand by the Minerals Planning Authority, shall be installed at a time to be agreed no earlier than the first annual aftercare meeting, and no later than 4 years following compliance with Condition 66. (2)
89. At least 48 hours notice (excluding Sundays) of the intention to carry out approved under-drainage, works shall be given to the Minerals Planning Authority, such works to proceed only subject to their approval. (2)
90. Within 6 months following the installation of the approved under-drainage, two copies of the final drainage record plan shall be forwarded to the Minerals Planning Authority. One of which shall be passed to the Department for Environment, Food and Rural Affairs.

91. Any polluting leachate produced during or within 5 years after the life of the site shall be prevented from leaving the site, treated and disposed of to the satisfaction of the Minerals Planning Authority. (8&23)

Cultivation after installation of field drainage

92. As soon as the ground has dried sufficiently after compliance with Condition 68, the land shall be subsoiled, using an agricultural winged timed subsoiler operating at a depth and time spacing agreed beforehand with the Minerals Planning Authority. (3)
93. At least 48 Hours (excluding Sundays) notice of the intention to carry out the work required by Condition 91, shall be given to the Minerals Planning Authority, such works to proceed only subject to their approval. (2)
94. Any stones lying on the surface after compliance with Condition 91 and which any larger than would pass a wire screen mesh with a spacing of 50mm together with any other objects likely to obstruct future cultivation, shall be removed from the site. (3)
95. Following compliance with Condition 93 the land shall be worked to prepare a seedbed suitable for the sowing of grass seeds. During the cultivation process any stones lying on the surface which are larger than would pass a wire screen mesh with a spacing of 50mm, together with any other objects likely to obstruct future cultivation shall be removed from site. (3)
96. By no later than the end of August following compliance with Condition 94, the land shall be sown with a seeds mixture included in Condition 83, details of the mixture including species, and seed rate shall be agreed with the Minerals Planning Authority before sowing commences. (3)
97. Following compliance with Condition 95 areas agreed in advance with the Mineral Planning Authority shall be inoculated with earthworms where necessary in accordance with the aftercare scheme agreed in advance with Mineral Planning Authority. (20)

Establishment and maintenance of grass sward

98. During the aftercare period the following shall be carried out:-

- a) Other than in the woodland areas, soil shall be tested, fertilizers and lime shall be applied to the land at a rate targeted to achieve the following nutrient levels in accordance with the Index system described in Ministry of Agriculture, Fisheries and Food Leaflet 655.

Any nutrient deficiencies to be rectified with applications of fertilizers, the quantities of which shall be approved by the Minerals Planning Authority.

		<u>Agriculture</u>	<u>Amenity</u>
Potash	-	Index 2	Index 1
Phosphate	-	Index 2	Index 1

Soil testing and applications of lime and fertilizers shall be made at the time of reseeded in compliance with Condition 83 and subsequently at intervals not exceeding 12 months thereafter. (3)

- b) Reseeding any areas where a grass sward fails to become well established with the approval species mixture. (3)
- c) Application of weed control spraying as necessary to prevent the land becoming infested with weeds. (3)
- d) No vehicles, (with the exception of low ground pressure types required for agricultural work) machinery or livestock shall be kept or permitted on the land during the months of November, December, January, February and March, without the prior consent of the Minerals Planning Authority.

Maintenance of hedges and trees

99. Hedges and trees planted in accordance with Condition 4 f shall be maintained during the aftercare period in accordance with good woodland practice, such maintenance to include the following.
- a) Replacing all plants which die or are lost during the first year of maintenance and an overall 90% success rate at the end of the 5 year after care period. (3)
 - b) Herbicide (500mm radius) early in each growing season, and as necessary thereafter to prevent the growth of the plants being retarded. The types and rate of herbicide and time of each application to be agreed by the Mineral Planning Authority in advance of work commencing. (3)
 - c) Adequate measures to be taken to prevent inter rows becoming a fire hazard. (3)
 - d) Maintaining any fences around planted areas in stockproof condition. (3)
 - e) Appropriate measures to combat all other pests and/or diseases which significantly reduce the viability of the planting scheme. (3)

REASONS FOR CONDITIONS

- 1) To ensure the development is carried out in accordance with the approved document.
- 2) To ensure the development is carried out in an orderly manner
- 3) To ensure the site is satisfactorily restored
- 4) To avoid unnecessary delay in the restoration of the site
- 5) In the interests of residential amenity
- 6) In the interests of visual amenity
- 7) To protect land outside the site
- 8) To prevent adversely affecting watercourses passing through or outside the site
- 9) In the interests of highway safety
- 10) To avoid adversely affecting the surrounding environment
- 11) In the interests of visitors to the countryside
- 12) To ensure the stability of the land concerned
- 13) To avoid any adverse effect upon the installation of statutory undertakers
- 14) To avoid any adverse effect upon authorised mining operations in the vicinity
- 15) In the interests of archaeology
- 16) In the interests of nature conservation
- 17) To enable the mineral planning authority to consider the implications of any proposal to expand the activities which take place within the site

- 18) In the interests of agriculture
- 19) In the interests of public safety
- 20) To ensure that the land is satisfactorily treated for an appropriate period after the initial restoration to bring it to a satisfactory standard as required by the Town and Country Planning (Minerals) Regulations 1995.
- 21) To ensure that the development is commenced within a reasonable period of time given the current state of the site.
- 22) In order to avoid soil smearing and compacting and to ensure that all available soil resources are recovered without unnecessary damage.
- 23) To prevent groundwater pollution.