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26 July 2021

Dear Sirs,

Planning Application DM/21/00995/WAS

**Address: Land South West Of Lumley Moor Farm Pithouse Lane Little Lumley
DH4 6QD**

**Proposal: Improvement scheme to agricultural land by re-profiling land
through importing sub-soil and top-soil to allow arable cultivation on the site.**

The Parish Council has considered the likely impact on the local community of this application and would like to comment as follows:

Pre- Application Community Consultation

It is noted that this proposal has been classified as a waste development project. As it involves the transport of waste of approximately 75,000 tonnes per annum of soil over a 4 year period, is it classed as a strategic development; the same level of categorisation as a housing development with more than 100 dwellings. This proposal will, by its very nature, have significant adverse impacts on the local community and environment. This being the case, whilst it may not be a statutory planning policy requirement, it is disappointing that there appears to have been no pre planning community consultation carried out by the applicant.

Potential benefits of the proposal

1. There would appear to be no environmental or community benefits from this proposal. The site is on agricultural land in the Green Belt and is currently, "used for grazing animals and winter fodder production for use on other areas of the farm to the proposed site".
2. No evidence has been provided to confirm that the quality of the agricultural land is so poor that it needs improving, to a higher standard than at present, for it to become "possible" for it to be used for arable cultivation or that it will actually be used for arable cultivation in future. Nor has any evidence been provided that other options for improving the land, which do not involve the importation of the quantity of material of this scale, have been considered.

3. With no evidence of the need to improve the quality of the soil, the proposal represents a scheme to create a waste disposal site for tipping 300,000 tonnes of inert top and sub soil material on to agricultural land that is already in use. Surely there must be better more practical environmental options for the use of such large quantities of this type of material.
4. Consequently, it is considered that the requirements of the following Durham County Planning Policies have not been met:
 - County Durham Plan (CDP) Policy 60 – Waste Management Provision
 - CDP Policy 47 Sustainable Mineral and Waste Resource Management
 - County Durham Waste Local Plan (CDWLP) Saved Policy 46 - Landfill and Land Raise
 - CDWLP Saved Policy 47 - Tipping on Agricultural Land

Adverse Impacts on the local community

5. In contrast to there being no demonstrable need or community benefit, there will be several adverse impacts on the local community and environment, if this proposal is approved, as detailed below.

Traffic Generation and Highway Safety

6. This proposal will result in a significant increase in the volume and type of traffic generation. Few very few details have been provided by the applicant in relation to the suitability of the proposed access to the site or the number and type of vehicles that are likely to use it.
7. It is noted that the working times for the importation of soils has been stated as 8am – 6pm Monday to Friday and Saturday 8am – 5pm. It is assumed that this is all year round as no mention has been made to any restrictions applying to weather conditions for soil importation. It is noted that the proposed contouring and land form works are to be carried through dry periods of spring, summer and early autumn and that there will be no working in wet or poor weather conditions. No hours of operation for this work have been provided, but it is stated that maintenance and repair of site machinery can be carried out during none working hours. Consequently, the full potential operational times for all activities associated with this proposal have not been made clear by the applicant.
8. A transport assessment has not been undertaken / submitted in support of the application. The applicant does not appear to have given any serious consideration to the likely impact the substantial increase in traffic generation will have on the amenity of the local community or the safety of the local highways network, be it within the immediate vicinity of the site, the local communities of Leamside and West Rainton or the wider community.
9. It is noted that the Design & Access Statement submitted by the applicant's agent states that, "it is the operator's *intention* to use the existing access road to the Northern Boundary of the site. No details have been provided to demonstrate that the access road and the junction off Pit House Lane will be adequate to safety accommodate the significant increase in the type and volume of traffic.
10. It would also appear that no details have been provided of any provision for on site turning, parking or loading and unloading areas, or the means of transporting

material within the site. Mud is highly likely to be transferred to the highway resulting in an adverse impact on road safety.

11. In relation to the proposed haulage routes *to* site, it is stated that it is *intended* that no vehicles will pass through Leamside Village and that, “all haulage will come south from Fence Houses down the road running adjacent to the A1M”. This being the case, it is surprising to note that Sunderland City Council do not appear to have been consulted on this application given the close proximity to the Sunderland City highways network. The route for haulage vehicles *from* the site has not been specified.
12. Whilst it may not be intended that vehicles enter the site via Leamside from Pit House Lane, it is considered that this would be highly likely in practice during the 4 year period of operation. In recent years, residents living along the Fence Houses/Woodstone Village route complained about the high number of heavy goods vehicles generated from the Landfill Site at Mark’s Lane Quarry, off Pit house Lane. It is understood a planning condition relating to the operation of this site required vehicles to access the site from the Fence Houses/Woodstone Village road and leave via Pit House Lane / Station Road /A690. As a result of the complaints from residents living along the Fence Houses/Woodstone Village route, HGVs for some time entered and left the land fill site via Station Road. This led to local resident concerns about the increasing volume of heavy traffic moving through the parish and the adverse impact this had on road safety along this busy route and the A690 junction.
13. The proposed site is in a predominately rural area and residents already have on going concerns about the existing volume and speed of traffic passing through Leamside and West Rainton to and from Pit House Lane via Station Road, just off the A690 junction at Lambton View. These concerns have been exacerbated by committed housing developments at Benridge Bank and Station Road, a proposed regional football centre on Pit House Lane next to the junction with Cocken Road and now this proposal.
14. There are 3 access points to West Rainton from the A690. All join the Old Sunderland Road which runs parallel to the A690 from Benridge Bank to the junction at the top of Station Road. In October 2018, the Specialist Operations Unit of Durham Constabulary undertook a 7 day 24 hour speed survey along the Old Sunderland Road, just east of the garage. This survey recorded an average daily traffic flow of 2486 over this period with an average speed of 34 MPH, 4% above the speed limit. 45 % of vehicles fell within Police Enforcement Thresholds.
15. The route along the Old Sunderland Road to Station Road is used by large numbers of non-residents to access Cocken Road, off Pit House Lane, when travelling to Framwellgate Moor, Pity me Newton Hall, the Arnison Shopping Centre, the A167 and beyond. It effectively provides a bypass to and from these destinations avoiding the congestion of Durham City. Similarly, many vehicles use the other main road through the village, the bus route, which runs parallel to the Old Sunderland Road, to access Station Road/Pit House Lane.
16. These 2 roads (and the whole of Station Road) are becoming increasing congested, especially around the shops/doctors surgery near the Station Road Junction, on South Street/North Street in the vicinity of the Italian

Farmhouse/Jubilee Hall, opposite the play ground on School Avenue and around the primary school.

17. This proposal will substantially increase vehicle movement in the vicinity of the site and the minor approach roads. The hours of operation of the site for importation of soils on a Saturday will also coincide with the peak operational hours of the proposed regional football centre, only a few hundred yards away, if approved.
18. In view of the above, it can not be evidenced that the requirements of the following Saved Policies of the County Durham Waste Local Plan (CDWLP) have been met:
 - Policy W29 - Transport of waste
 - Policy W31 - Environmental impact of road traffic
 - Policy W32 - Planning obligations for controlling environmental impact of road traffic

Amenity and Environmental Issues

19. No consideration has been given in the proposal to the existence of public footpaths/public rights of way on the site, one of which is also the access road. This proposal will result in a loss of amenity during the 4 years of planned operations and the lack of any reference to their existence provides no assurance that these will be protected for future use beyond that.
20. The proposed workings will generate a significant amount of noise and dust. Very little information has been provided by the applicant to provide assurance that the impact of this will be managed within acceptable levels to the local community. A noise or dust assessment has not been submitted in support of the application which suggests that the applicant has given little consideration to the importance of understanding how operations on site will impact on the local community and what could be done to reduce it – both in the immediate vicinity of the site and further afield.
21. No consideration has been given by the applicant to the impact upon Air Quality.
22. No details have been provided regarding the potential for any lighting to be installed on site.
23. The site is behind the Three Horse Shoes public house. Workings will be visible and heard in the pub – especially in the beer gardens in the warmer months when soil importation will take place and dust is likely to have an additional adverse impact.
24. It is understood that this very popular country pub and restaurant is a non-designated heritage asset. Paragraph 197 of the NPPF states that the effect on an application of a non-designated heritage asset should be taken into account in determining the application. Given the location of the site in relation to the setting of the pub, it is considered that considerable harm could be done to this non-designated heritage asset business as a result of this proposal. Other nearby businesses in the immediate vicinity, namely Leamside Nurseries and the Farm House Kitchen, (only recently opened opposite at Lane End Farm) and nearby

residents are also likely to be harmed by the negative environmental impacts of this proposal.

25. No ecological assessment has been undertaken to assess the impact of the proposal on the biodiversity of the natural and local environment.
26. The site occupies a prominent location with open views and so inevitably during the 4 year operational period there will be a significant adverse impact on the visual landscape and character of this rural setting. No details have been provided of how materials imported on the site will be handled or stored until such time as the proposed re-profiling and restoration of the site is complete. Nor have any measures been proposed to mitigate the adverse impact on the landscape such as screening of any stockpiles of soil.
27. The proposed re-profiling of the site will significantly increase land levels. This raises concerns about increased or diverted surface water run off and the resultant adverse impact this will have on flooding risks to adjoining land property and the highway in the longer term, especially with climate change. The applicant does not appear to have fully considered flood risk issues.
28. It is understood that the applicant's *proposed* contractor, Colton Group, have advised that, "all imported soils will have a WAC test that we will have reviewed before commencement to ensure that it is an inert soil". However, it is not clear who is responsible for undertaking the mandatory WAC test or what control measures will be put in place on site to ensure that only waste confirmed inert via a WAC test is imported and used to raise the land – either by the applicant's proposed contractor or anyone else. Without a clear management plan detailing how access to the site will be controlled and what monitoring procedures will be in operation, from the point of collection to the point of importation, no assurance can be given that hazardous or other inappropriate materials will not be brought on to site.
- 26 It is noted that it is intended to import soils from new development sites in County Durham and Tyne & Wear. No details have provided of the specific housing sites from where and when imported soils will come from. There is therefore no assurance that there would be adequate supplies, of WAC tested inert soil to achieve the annual importation of 75,000 tonnes for the scheme to be complete and the site restored as planned. This may delay or prevent the planned improvement to land quality and the ultimate completion of the restoration of the site.
- 27 Consequently, is it considered that the requirements of the following planning policies have not been met: :
 - CDP Policy 26 Green Infrastructure
 - CDP Policy 31 Amenity and Pollution
 - CPD 35 Water Management
 - CDP Policy 39 Landscape
 - CDP 41 Biodiversity and Geodiversity
 - CDWLP Saved Policy W27 Landfill/Land Raise & Groundwater vulnerability
 - National Planning Policy Framework Paragraph (NPPF) paragraph 98 Protection and Enhancement of public rights of way
 - NPPF paragraph 197 – Non Heritage Assets

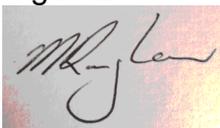
Conclusion and summary

- 28 This *strategic*, development proposal, where no need has been evidenced, will have significant adverse impacts on the local community and it will provide no community benefit.
- 29 Very little information has been provided by the applicant or the applicant's agent to provide assurance that all relevant planning policies and requirements have been met.
- 30 Policy 34 of the CDWLP, relating to the site management of land fill and land raise operations requires the applicant to, "demonstrate that their technical and financial capabilities are sufficient to undertake the proposed reclamation and aftercare of the site in accordance with an agreed scheme of planning conditions". The lack of detailed technical assessments, site management plans and any financial information to support this application raises concerns about the applicant's required capabilities. It has not been demonstrated that the requirements of this policy have been met,
- 31 It is acknowledged that in determining this application, consideration must be given to addressing any concerns with planning conditions rather than refusal. It is also acknowledged that compliance with planning conditions would then be subject to monitoring. However, given the nature of this proposal the practicalities of being able to effectively monitor operations on site, especially once operational, may be very challenging. It is therefore considered that there is a very high risk that planning conditions relating to on site operations and compliance with the expected high standards of site management/codes of practice etc, could be breached and go undetected. If monitoring was able to detect any breaches it may be too late or impracticable to take effective remedial or enforcement action. The damage will have been done. The risk of the importation of materials, other than WAC tested inert soils planned, is of particular concern given the potential to contaminate the land.
- 32 In conclusion, it is considered that there are material planning reasons to support the refusal of this application and the Parish Council strongly objects to this proposal

Determination

- 33 In view of the above, the Parish Council requests that should officers be mindful to recommend approval of this application, the application is referred to Planning Committee for determination.

Signed:



Mark Ramshaw, Parish Clerk, West Rainton Parish Council

Footnote:

It has been noted from the portal, unexpectedly given the nature of this proposal, that so few individual residents have submitted comments or objections. A resident's response that has been submitted making reference to other residents not objecting for fear of reprisal by the applicant has also been noted.