

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**7 February 2017**

**C8/2016/0873/CPO - Planning application for the purposes of a 14.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years on land at Hensall sand quarry, Broach Road, Hensall, North Yorkshire, DN14 0UD on behalf of Darrington Quarries Ltd (Selby District) (Osgoldcross Electoral Division)**

**Report of the Corporate Director – Business and Environmental Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for a 14.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years on land at Hensall Sand Quarry, Broach Road, Hensall on behalf of Darrington Quarries Ltd (DQL).
- 1.2 This application is subject to an objection having been raised by a member of the public in respect of this proposal (summarised in paragraph 5.3 of this report) and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 Hensall Sand Quarry is located approximately 500m south of the village of Hensall and approximately 8.5km south-south west of the town of Selby. Hensall Sand Quarry is currently operated by Darrington Quarries Ltd for the extraction of sand, predominantly building sand (also sand for use as a soil improver). The quarry presently covers an area of 11.6 hectares and produces circa 90,000 tonnes per annum. At the time of the application (June 2016) it was forecast that there was less than 9 months of reserves remaining at the quarry. The applicant states that a significant proportion of the existing consented reserves have been sterilised due to the site having been undermined from Kellingley Colliery; the ground surface sinking and the water level rising some 2.4m. The proposed development seeks to extend the current minerals working area into land currently in agricultural use (arable & pasture) to access reserves of sand to replace and supplement those sterilised as a result of the existing quarry having been undermined from Kellingley Colliery. The proposed extension site is relatively level, but with some undulation, with levels varying between 8.94m AOD and 6.39m AOD.
- 2.2 The application site is bounded to the north by the Knottingley to Hull railway line and to the east by New Road. The village of Hensall lies to the north of the railway line. Agricultural land borders the site to the west, with the Selby to Doncaster railway line located approximately 700m to the east. The quarry is bounded to the south by the A645 Broach Road, beyond which is agricultural land

intersected by the M62 motorway. To the west of the quarry lies a crossroad intersection between the A645 and two minor roads, Church Lane to the south and Station Road to the north. A number of residential properties, a church and a school are situated close to the intersection and along Station Road. Hensall railway station is situated approximately 100m north west of the quarry boundary. Eggborough Power Station is situated approximately 1.3km to the north west of the quarry.

- 2.3 The nearest residential properties to the application site are the two properties at 'Quarry View' and the Gate House approximately 50-60 metres to the north east of the proposed extension site. The extended quarry would be closer to these properties than at present when extraction is within phase 2. In addition, other nearby properties to the proposed extension site include the bungalow known as 'Blue Pines' located approximately 150 metres to the west of the site and the properties making up the village of Hensall located approximately 140 metres to the north west. The nearest Public Right of Way is no. 35.34/4/1 south of the A645 Broach Road and would not be affected by the application site.
- 2.4 In relation to constraints, the application site does not fall within, or in close proximity to any "sensitive areas" (SSSI, SPA/SAC, RAMSAR, AONB) or Article 1(5) land (Conservation Areas), Listed Buildings or Scheduled Ancient Monuments. The application site is located within Flood Zones 2 and 3 as designated by the Environment Agency, meaning that the site is regarded as having a high probability of flooding. The site is within a Source Protection Zone 3 located on a principal aquifer. The site is also located within a Coalfield Consultation Area.
- 2.5 A plan showing the application site is attached to this report at Appendix A.

#### Planning History

- 2.6 There is no planning history directly relevant to the application site although there is planning history relating to the existing quarry relevant to the determination of this application as follows: -
- 2.7 On 16 June 2006 planning permission ref C8/38/196/PA was granted for a new quarry for the extraction of sand with the construction of a new access and the erection of processing plant and equipment. The permission area covers 11.6 hectares, of which 7.67 hectares was consented to be worked for the extraction of 1.26 million tonnes of building sand over 25 years. The permission authorises mineral extraction until 15 June 2031 with restoration to low level agricultural use.
- 2.8 On 20 June 2013 planning permission ref. C8/38/196A/PA was granted for the variation of condition no.10 of planning permission C8/38/196/PA to increase the number of HGV movements associated with mineral extraction activities. The permission expires on the 15 June 2031.
- 2.9 On 20 June 2013 planning permission ref. C8/38/41C/PA was granted for the importation of compost, mixing of compost and sand, stockpiling and exportation of soil material. On 25 March 2015 an application (ref. NY/2015/0108/A30) was received for the approval of details reserved by condition no.4 of planning permission C8/38/41C/PA which relates to a scheme for the storage of materials. The application was not determined and was finally disposed of on 5 July 2016.

The permission was not lawfully implemented and the permission has now lapsed.

- 2.10 On 15 January 2016 the Authority issued a 'Scoping Opinion' ref. NY/2015/0263/SCO in respect of those matters that the County Planning Authority required to be assessed in undertaking an Environmental Impact Assessment (EIA) for the development the subject of this application.
- 2.11 In late November 2016 the applicant informed the County Planning Authority that it was highly likely that current reserves within the existing quarry would be exhausted prior to the determination of the planning application. This is due to a significant proportion of the existing consented reserves being sterilised due to the site having been undermined from Kellingley Colliery; the ground surface sinking and the water level rising. The applicant confirmed at that time there was less than 2 months reserves remaining at the site and *"in order to protect jobs and to continue to serve its existing customers, DQL may have no option but to extend workings into Phase 1 of the proposed development without the benefit of planning permission"*. The applicant states that the Company would not take the decision lightly and acknowledge that such workings would be unlawful and would be open to enforcement action. The applicant provided the Authority with an Interim Working Plan for a 1 hectare area of Phase 1 to generate approximately 50,000 tonnes (sufficient for 6 months production). The applicant confirmed working would be in line with the extant planning conditions applicable to the existing quarry and take into account the results of the EIA and comments received following the consultation exercise on this planning application. Within this part of Phase 1, following discussions with the Environment Agency, the applicant proposes the maximum depth of working would be no lower than the recorded water table plus 1 metre (2.9m AOD). The applicant states that should permission be refused then the area of working would be restored within surplus material from the existing quarry to a depth of 0.3m below pre-working contours. The agent notified the Authority that on 9 January 2017 the applicant commenced working in Phase 1 of the extension area.

### **3.0 The proposal**

- 3.1 Planning permission is sought for a 14.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years on land at Hensall Sand Quarry, Broach Road, Hensall on behalf of Darrington Quarries Ltd. The application is accompanied by an Environmental Statement that reports on the results of the EIA and assesses the significance of any potential impact of the proposed development in relation to the following:- Landscape and Visual Appraisal, Ecology, Hydrology, Hydrogeology and Land Contamination, Noise and Vibration, Transport, Traffic and Public Rights of Way, Air Quality, Archaeology/Cultural Heritage, Socio-Economic Impacts, Cumulative Impacts and Soil Resources, Conservation and Management.
- 3.2 The area of excavation within the proposed extension site is approximately 13 hectares and contains approximately 600,000 tonnes of sand which would be worked over the period 2017 to 2023 (approx. 100,000 tonnes per annum). In summary the proposed development involves soil stripping and storage; phased extraction and screening of sand; transport of sand to market by road; and phased restoration of the site to agriculture at low level and aftercare.

- 3.3 The working would be in four phases as shown on the Phasing Plan drawing attached to this report at Appendix C. The Phasing Plan shows 30 and 10 metre standoffs from the railway and road respectively. The below table details the proposed working in the extension area:-

Phase	Area ha (active)	Tonnage	Duration (years)
1	4.1	158,361	1.58
2	3.4	120,838	1.21
3	3.7	223,387	2.24
4	1.8	100,443	1.00
<b>Total</b>	13	603,029	6.03

- 3.4 The extracted mineral comprises building sand and soil improver (approx. 50:50 split) which would be exported to designations in North, West and South Yorkshire within a 25km radius of the quarry. It would be transported by HGV (20 tonnes) and there would be a maximum of 40 movements per day.
- 3.5 It is proposed that quarrying and associated operations (processing, HGV movements etc) shall take place between 07.30-17.30 hours Monday to Friday, 07.30-13.00 hours Saturday and no machinery maintenance shall take place except between the hours of 07.30-17.00 Monday to Friday, 07.00 – 15.00 Saturday. There would be no quarrying or associated operations, including machinery maintenance on Sundays or Bank and Public Holidays.

#### Mineral extraction and processing

- 3.6 It is proposed to use a loading shovel for sand extraction and vehicle loading as with existing operations. The maximum working depth would be 5 metres and above the natural water table and working faces would have a gradient of 1:1. The on-site processing plant will consist of two powered dry screens and no crushing is required. The existing site is equipped with a weighbridge, wheel cleaning equipment and a site office. The existing site access off New Road will continue to be used as would the existing on site infrastructure within the quarry.

#### Restoration and Aftercare

- 3.7 The applicant proposes phased restoration of the site to agriculture at low level with shallow gradients at the former working faces. The restoration design for the quarry is shown on the drawing attached to this report at Appendix D and the phased approach would allow for the early return of the site to agriculture.
- 3.8 The proposed restoration would reinstate internal field boundaries, agricultural land use, but not the original ground levels. It is anticipated that the final height of the agricultural land would be approximately 4m below current levels. The landscape features along the northern, eastern and southern boundaries ('gappy' hedgerows) would be strengthened through planting.
- 3.9 There would be 300mm of topsoil and subsoil spread across the site as part of restoration (40,978m<sup>3</sup>). Following placement, the topsoil would be cultivated and drilled. The early establishment of a grass sward would prevent erosion and encourage soil improvement through plant rooting. A suitable grass mixture is proposed as follows:

Type	Kg/ha
Perennial Ryegrass (Parcour)	10
Perennial Ryegrass (Contender)	10
Timothy (S48)	4
Creeping Red Fescue (S59)	2
Wild Clover	1
<b>Total</b>	<b>27</b>

- 3.10 The applicant has confirmed that once the 12 months of groundwater monitoring has been completed a materials balance will be calculated (material for infilling) and the final depth of working of the quarry established and then a Restoration Masterplan submitted for consideration. The applicant has confirmed that the Masterplan will show the integration between the existing quarry and the extension area together with biodiversity enhancements.
- 3.11 The restored landform would be subject to aftercare management for a 5 year period. It is proposed that soil samples are taken at the restoration stage to assess the fertiliser requirements. The scheme will address such matters as establishment and maintenance of crops, soil testing to determine fertiliser requirements, works to alleviate any residual compaction and drainage.

#### Employment

- 3.12 The application details state that the quarry extension will safeguard two full-time jobs and help safeguard a further five allied jobs in haulage and support services.

### **4.0 Consultations**

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on 20 July 2016 and the subsequent re-consultation on 16 December 2016 following the receipt of further/amended information comprising a letter from Agent dated 13 December 2016, tree, bat & reptile surveys, tree protection plan, landscape plans phases 1 & 2 and draft planning conditions. As required by the Regulations, notification of the Secretary of State (National Planning Casework Unit) of the planning application was undertaken on 18 July 2016.
- 4.2 **Selby District Council (Planning)**- has not responded to the initial consultation or the reconsultation.
- 4.3 **Selby District Council (Environmental Health)**- responded on 9 August 2016 and requested further information and clarification on noise and air quality. The EHO recommends that in light of the noise assessment only considering day time operations that any permission given includes a condition to limit operation to daytime only. The EHO also highlighted the effect of the poor weather on the background noise measurement recorded in April 2016.
- 4.3.1 The EHO responded to the re-consultation on the further/amended information on 10 January 2017 and notes the proposal to allow machinery maintenance to be carried out after 13:00 on a Saturday so requests that the hours of operation condition specifies that such maintenance is not audible at the boundary of noise sensitive properties.

- 4.3.2 The EHO advises that as recommended in the Governments guidance on planning for mineral extraction that Mineral Planning Authorities should aim to establish a noise limit through a planning condition. The guidance recommends that the levels should not exceed the background noise level by more than 10 dB(A) or a maximum of 55dB(A) LAeq where the previous requirement would impose unreasonable burdens on the mineral operator.
- 4.3.3 The EHO states *“In this case the noise levels taken during the monitoring in November 2016 included contributions from the operation of the quarry itself and, therefore, not considered to be representative of the background noise level. NB the guidance definition of the Background noise level: The A-weighted sound pressure level of the residual noise at the assessment with no operation occurring at the proposed site, defined in terms of the LA90,T”*.
- 4.3.4 The EHO states that because the quarry was operational all day and it was, not possible to monitor when the quarry was on a break then background levels have not been determined and hence levels to populate such a condition cannot be determined. The EHO states *“The proposed Condition suggests that a scheme should be agree to control and monitor noise. I would question the relevance of monitoring noise if levels have not been set”*. In response the applicant’s noise consultant has explained that the noise monitoring and modelling were carried out in accordance with the relevant planning practice guidance for mineral development. This guidance states that mineral planning authorities should take account of the prevailing (existing/current) acoustic environment. As the quarry has been operational for a number of years it should legitimately be considered as part of existing acoustic environment.
- 4.3.5 With regard to air quality the EHO is in agreement with a scheme to control and monitor dust from the operations.
- 4.4 **Environment Agency-** responded on 3 August 2016 and requested further information to fully assess the potential impact on groundwater. It was recommended that 12 months of groundwater level information is provided (derived from trial pits).
- 4.4.1 The EA state that the series of measures to be used to prevent and deal with spillages of hazardous substances should also include suitable secondary containment. The EA highlight that there is no consideration whether the proposed extension may result in the generation of silt and clay and if this will impact on groundwater quality. This should be considered and a risk assessment should be provided with any necessary mitigation measures to prevent impact to groundwater quality.
- 4.4.2 With regard to flood risk the EA state that provided the proposed development is carried out in accordance with the submitted Flood Risk Assessment they have no objections.
- 4.4.3 The EA wrote to the Authority on 24 November 2016 and stated that following their initial comments dated 3 August 2016 a meeting was held with the applicant and agent regarding the potential groundwater issues and a proposed two staged approach to collecting outstanding information.

- 4.4.4 The EA confirm that the applicant's proposals have been reviewed and in general the EA accept the two stage approach outlined. Stage 1 indicates that groundwater level monitoring data will be collected for a period of 12 months. During this time excavation above the water table of phase 1 could occur. Stage 2 indicates that the groundwater level information will be used to establish and inform the future depth of working in relation to the water table in the second and subsequent extension phases.
- 4.4.5 The EA confirmed that they have no objection to the application subject to the inclusion of planning conditions, requiring the submission and subsequent agreement of further details relating to groundwater level monitoring proposals for each phase of the site, the excavation working depths, an updated conceptual site model and risk assessment and a construction environmental management plan for the working and restoration phase.
- 4.4.6 The EA responded to the re-consultation on the further/amended information on 30 December 2016 and state that they have reviewed the draft conditions and have no comments to add. The EA have reviewed the letter submitted by the Agent dated 13 December 2016 and recommend that it is read in conjunction with the EA response letter dated 24 November 2016 which contains an outline of the agreed staged approach.
- 4.5 **Natural England-** responded on 2 August 2016 and acknowledges that the proposed extension includes some 4.7hectares of 'best and most versatile' (BMV) agricultural land in the Agricultural Land Classification (ALC) system. Natural England state that in view of the area and ALC grading of land affected they do not wish to comment in detail on the soils and reclamation issues arising from this proposal, but make the following points:
- 1) In accordance with Schedule 5, Part 1, Para 4 (1) of the 1990 Act, Natural England confirms that it would be appropriate to specify agriculture as an afteruse.
  - 2) To ensure that the site working and reclamation proposals meet the requirements for sustainable minerals development, the proposals should be carefully considered against current Minerals Planning Practice Guidance, particularly section 6 on restoration and aftercare of minerals sites.
  - 3) Defra's Good Practice Guide for Handling Soils provides detailed advice on the choice of machinery and method of their use for handling soils at various phases.
  - 4) More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra Guidance for successful reclamation of mineral and waste sites.
- 4.5.1 Natural England highlight that the Authority should assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
- local sites (biodiversity and geodiversity)
  - local landscape character
  - local or national biodiversity priority habitats and species.

- 4.5.2 Natural England state that their Standing Advice on protected species should be applied in this instance and also that there may be opportunities to incorporate biodiversity enhancements into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.
- 4.5.3 Natural England responded to the re-consultation on the further/amended information on 4 January 2017 and state that *“the advice provided in the previous response (2 August 2016) applies equally to this additional information, although we made no objection to the original proposal”*.
- 4.6 **Yorkshire Water Services Ltd-** responded on 5 August 2016 and highlight that the site is within a Source Protection Zone 3. However, YW is satisfied that the proposed quarry extension is unlikely to have a significant negative impact on groundwater and the public water supply abstraction boreholes at Heck, provided that the procedures and mitigation measures outlined in the Environmental Statement are put in place as stated.
- 4.6.1 Yorkshire Water responded to the re-consultation on the further/amended information on 18 January 2017 and state that they are fully supportive of the groundwater monitoring methodology that has been agreed with the Environment Agency, and the subsequent conditions set out by the Environment Agency in their letter dated 24 November 2016. Yorkshire Water trust that the agreed approach will minimise any potential risks to groundwater, and YW public water supply boreholes.
- 4.7 **Network Rail-** responded on 10 August 2016 and state that in order to safeguard the railway a number of conditions and informatives should be included on any permission granted. These cover safe stand offs from the railway (relating to extraction, buildings, material storage, plant and machinery and tree planting), the maintenance of a stable quarry face adjacent to the railway boundary, a safe lighting scheme (to avoid dazzle hazard) and a restriction on the nature of any imported backfill material (inert only).
- 4.8 **Coal Authority-** responded on 22 July 2016 and confirmed that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area and there is no requirement for a Coal Mining Risk Assessment. The Coal Authority requests that their Standing Advice is included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.
- 4.8.1 The Coal Authority responded to the re-consultation on the further/amended information on 20 December 2016 and reiterated the above comments.
- 4.9 **NYCC Heritage – Ecology-** responded on 20 July 2016 and made interim comments noting that whilst the ecology survey and assessment is generally sound and in accordance with the current standards full comments can only be made once the bat activity and reptile surveys have been submitted prior to determination.
- 4.9.1 The County Ecologist requested clarification on the number and status of mature trees on the site, where these are and which will be either lost or affected by the development.



- 4.9.2 The County Ecologist requested information on the biodiversity value and how many mature trees will be lost, how any remaining trees will be protected and what mitigation/compensation is proposed for those trees lost – for example replacement trees.
- 4.9.3 The County Ecologist also noted that the biodiversity enhancements should be shown on a restoration/landscape masterplan.
- 4.9.4 The County Ecologist responded to the re-consultation on the further/amended information on 10 January 2017. The County Ecologist confirmed that the reptile survey has been carried out in accordance with current standards and best practice and that it did not find evidence of reptiles using the site and as such no further surveys or mitigation are proposed. The County Ecologist considers that the site restoration will provide suitable habitat for reptiles in the future.
- 4.9.5 The County Ecologist has considered the bat activity survey which was carried out in addition to the bat roost assessment and is of the view that this level of survey work is sufficient to understand the impact associated with the proposed development. The County Ecologist notes that the results found that bat activity across the site is relatively low, with most activity found along the eastern boundary and states *“The timing of the arrival of bats to the site suggests that bats are roosting outside of the development site; this reinforces the conclusion that the mature trees within the site do not currently support roosting bats”*.
- 4.9.6 The County Ecologist highlights that the trees due to be felled do hold features that could support roosting bats in the future and since the trees may not be immediately felled, the County Ecologist recommends that prior to their removal the trees are checked for roosting bats and where necessary following this check the trees are section felled with the timber left on the ground for a short period following the felling. This should be secured by condition.
- 4.9.7 The County Ecologist comments that the mature trees to be lost as part of the development are not considered commonplace in the local landscape and whilst not designated as a habitat of principal importance, the presence of these features indicates that these trees do have ecological value and suitable avoidance, mitigation and as a last resort compensation should be incorporated into the proposals. The County Ecologist acknowledges that the proposals include new tree planting and installation of bat boxes as enhancement measures; but it is still not clear how these features link into the overall restoration of the existing and new site, since a restoration plan covering the wider area has not been provided. The County Ecologist requests conditions to cover pre-felling checks of trees for roosting bats and tree and vegetation removal outside of the nesting season and also an overall restoration plan for the site, which clearly identifies mitigation and enhancement measures for nature conservation.
- 4.10 **NYCC Heritage - Principal Landscape Architect-** responded on 17 August 2016 and confirmed no objections in principle to the extension of the existing quarry as it would not affect a nationally or locally designated landscape, and subject to mitigation would not have a significant adverse effect on the wider landscape.

- 4.10.1 However, the County Principal Landscape Architect states that *“Further quarrying would have an irreversible local impact (not just a temporary change as stated in paragraph 5.1 of the Environmental Statement) through removing historic landscape features and creating an artificial landform. In addition, the local context for the development is a landscape in declining condition, due to agricultural intensification and the cumulative effects of sand quarrying, which the current proposals would exacerbate”*.
- 4.10.2 The County Principal Landscape Architect requested further information and clarification in relation to the retention of five existing mature trees for their landscape and historic value, the future water table and drainage so an agricultural after use can be ensured, advance phased planting and a final restoration masterplan.
- 4.10.3 The County Principal Landscape Architect requests conditions to cover a soil resource plan, a scheme of mitigation including advance planting and also standard conditions covering the submission of a detailed scheme for phased restoration and management for agricultural and nature conservation uses and aftercare.
- 4.10.4 The County Principal Landscape Architect responded to the re-consultation on the further/amended information on 11 January 2017 and, in summary, states *“whilst there are no landscape designations affecting this site, some aspects of the development continue to conflict with the aims of local planning policy. Further clarification is also required on standoffs for protective fencing and soil storage and on restoration phasing for the quarry as a whole”*.
- 4.10.5 The County Principal Landscape Architect observes that the protective fencing around the trees will be visually intrusive and consideration should be given to a more visually acceptable fencing type e.g. a robust agricultural fence erected before any earthmoving takes place. It is also recommended that consideration is given to a more generous and consistent standoff for the protective fencing, to include space for access for hedgerow maintenance.
- 4.10.6 The County Principal Landscape Architect is satisfied with the proposed pre-development mitigation but requests more information on the ‘further mitigation’ planting and how it would form part of the final restoration scheme. The County Principal Landscape Architect highlights that at present the drawing does not show how the existing quarry would relate to final contours or internal restoration features, so it is not possible to determine its effectiveness without a whole quarry plan.
- 4.10.7 The County Principal Landscape Architect states that *“From the landscape perspective an amended scheme which retains the mature Oak trees and the former watercourse/ditch that forms a field boundary within the site would be much preferred”*. The County Principal Landscape Architect observes that *“the trees, particularly tree no 4 as shown on the Tree Location Plan dated October 2016, have landscape and historic landscape value in an area that has been otherwise greatly modified and would make a significant visual contribution to any restoration scheme, as well as contributing to screening during the operational period”*.

- 4.10.8 The County Principal Landscape Architect accepts that the final restoration contours cannot be determined before planning permission is granted due to the uncertainties over groundwater levels but recommends that an initial conceptual masterplan for the whole quarry is provided *“in order to demonstrate an overall effective approach to restoration including gradients of slopes, planting and biodiversity enhancement”*. As referred to in paragraph 4.10.6 above the County Principal Landscape Architect states that the existing restoration proposals for the existing quarry will need to be amended to show integration with the quarry extension.
- 4.10.9 On 17 January 2017 the County Principal Landscape Architect made further comments following the applicant’s confirmation that two tree groups would be retained on New Road as a compensatory measure for the features to be removed to allow mineral extraction (Drawing ref HQL-H-101 ‘Tree Retention Plan’ dated Jan 2017). The County Principal Landscape Architect states *“This provides a good nucleus for a future larger copse containing trees of mixed ages, which can be expanded further as part of the restoration scheme. Despite the relatively small footprint of the copse and hedgerow it will provide good screening, which can be further increased by advance planting, and it will make a significant visual contribution to the restored landscape, and local landscape character”*.
- 4.10.10 The County Principal Landscape Architect accepts that a restoration masterplan should be submitted within 18 months of the grant of planning permission in light of the requirement for the applicant to first complete 12 months of groundwater monitoring as required by the Environment Agency. The County Principal Landscape Architect supports the proposed advanced and post extraction planting and has confirmed that the compromise to retain identified tree groups is accepted.
- 4.11 **NYCC Heritage – Archaeology-** responded on 9 August 2016 and acknowledged that the principal archaeological resource identified consisted of Iron Age and Romano-British field enclosures, with some evidence for structures and domestic activity. The County Principal Archaeologist states that *“These almost certainly continue into Phase 3 of the proposed extension as comparable features have been mapped from aerial photographs. Phases 1, 2 and 4 of the proposed extension also have potential for further later Prehistoric and Roman landscape features, which based on the results of the earlier recording appear to extend in all directions. Early prehistoric activity was also noted in the form of three Neolithic pits. Features of this date are very rare in this area”*.
- 4.11.1 The County Principal Archaeologist agrees with the applicant that features identified in the previous fieldwork are of regional significance and would not preclude development. The County Principal Archaeologist states that *“The phased strip, map and record exercise appears to have worked well in recording the archaeological features at the existing quarry”* and agrees with the recommendation that this methodology should be extended into the current area and that a condition is attached to any permission granted to secure the implementation of such a scheme of archaeological mitigation recording.
- 4.11.2 The County Principal Archaeologist responded to the re-consultation on the further/amended information on 22 December 2016 and confirmed that the previous advice dated 9 August 2016 remains valid. The County Principal

Archaeologist has also been notified by the applicant's archaeologist that work has commenced in part of phase 1 (referred to in paragraph 2.11 of this report) and that archaeological investigations form part of that work.

- 4.12 **NYCC Arboricultural Officer-** has not responded to the initial consultation or the reconsultation.
- 4.13 **Highway Authority-** responded on 28 July 2016 and noted that the existing level of vehicles accessing the site is very similar to the proposed levels of approximately 40 HGVs per day. The LHA acknowledge that this level of use should not have a great impact on either existing traffic flows on New Road or A645 County Road. However the LHA would not wish to see flows from the site exceed this figure. The LHA also acknowledge that the visibility at the existing access meets their design standard requirements. The LHA recommend the inclusion of conditions restricting access to the site to only via the existing access, the incorporation of precautions to prevent the deposit of mud on the highway and the establishment of on-site parking and storage areas during construction (Note: not applicable in light of no construction proposed).
- 4.14 **Highways England-** responded on 10 August 2016 and acknowledge that the extension would be a "like for like" continuation from the existing quarry. Highways England state that *"it is not considered that the application will have an adverse impact on M62 Junction 34 or any other part of the SRN utilised by the trips arriving or departing from the development. This conclusion is based primarily on the proposals being a continuation of an existing industrial activity which will not significantly intensify the level of traffic generation, if at all, as a result of the application. We therefore advice offer no objection and allow the development to come forward"*.
- 4.15 **Hensall Parish Council-** responded on 10 January 2017 to confirm that the Parish Council do not wish to comment on the application.
- 4.16 **Shire Group Internal Drainage Board (Danvm Drainage Commissioners)-** has not responded to the consultation.

### **Notifications**

- 4.17 **County Councillor John McCartney-** was notified by letter on 20 July 2016.

## **5.0 Advertisement and representations**

- 5.1 This application has been advertised by means of six Site Notices posted on 25 July 2016 (responses to which expired on 15 August 2016). The Site Notices were posted in the following locations: the site entrance off New Lane, Station Road (2), Field Lane (2) and Heck Lane. A Press Notice appeared in the Selby Times/Post on 4 August 2016 (responses to which expired on 18 August 2016).
- 5.2 A total of 38 Neighbour Notification letters were sent on 22 July 2016 and the period in which to make representations expired on 12 August 2016. The following properties received a neighbour notification letter:

1. ONE ACRE, LONG LANE, GREAT HECK, GOOLE
2. WOOD COTTAGE, LITTLE HECK, GOOLE

3. 47, SNAITH ROAD, HENSALL, GOOLE
4. 51, SNAITH ROAD, HENSALL, GOOLE
5. 45, SNAITH ROAD, HENSALL, GOOLE
6. 41, SNAITH ROAD, HENSALL, GOOLE
7. 49, SNAITH ROAD, HENSALL, GOOLE
8. 43, SNAITH ROAD, HENSALL, GOOLE
9. QUARRY VIEW, HECK LANE, HENSALL, GOOLE
10. THE GATE HOUSE, HECK LANE, HENSALL, GOOLE
11. 7, STATION ROAD, HENSALL, GOOLE
12. STATION ROAD, HENSALL, GOOLE
13. 8, STATION ROAD, HENSALL, GOOLE
14. WINDYRIDGE, STATION ROAD, HENSALL, GOOLE
15. 4, STATION ROAD, HENSALL, GOOLE
16. BLUE PINES, WEELAND ROAD, HENSALL, GOOLE
17. ROCHE VILLA, STATION ROAD, HENSALL, GOOLE
18. 1, STATION VIEW STATION ROAD, HENSALL, GOOLE
19. STATION HOUSE, STATION ROAD, HENSALL, GOOLE
20. 3, STATION VIEW STATION ROAD, HENSALL, GOOLE
21. 1, SPRING GARDENS, HENSALL, GOOLE
22. 6, SPRING GARDENS, HENSALL, GOOLE
23. SPRINGFIELD HOUSE, STATION ROAD, HENSALL, GOOLE
24. JORLANDA, STATION ROAD, HENSALL, GOOLE
25. BRIARWOOD, STATION ROAD, HENSALL, GOOLE
26. 7, SPRING GARDENS, HENSALL, GOOLE
27. CHESTNUTS, STATION ROAD, HENSALL, GOOLE
28. OAKWOOD, STATION ROAD, HENSALL, GOOLE
29. 5, SPRING GARDENS, HENSALL, GOOLE
30. 2, SPRING GARDENS, HENSALL, GOOLE
31. PARK HOUSE, STATION ROAD, HENSALL, GOOLE
32. LAVENDER HOUSE, STATION ROAD, HENSALL, GOOLE
33. SWALEDALE, STATION ROAD, HENSALL, GOOLE
34. 3, SPRING GARDENS, HENSALL, GOOLE
35. 4, SPRING GARDENS, HENSALL, GOOLE
36. ROSEDALE HOUSE, STATION ROAD, HENSALL, GOOLE
37. WILLOWDENE, STATION ROAD, HENSALL, GOOLE
38. THE VALE, STATION ROAD, HENSALL, GOOLE

5.3 Representations (14 in total) have been received from one member of the public and the location of the objector is shown on the plan attached to this report at Appendix B. The representation states the individual occupies the Parish field which forms part of the proposed extraction area (within Phase 3) and is the agricultural land used for pasture defined by a drain along its west and south sides. The individual states that over the past 35 years, with the benefit from “established occupancy”, and with permission from the Parish Council, two stables and storage barns have been constructed and two containers installed together with fencing and gates. The representations raise objections on the following grounds:-

- *“It would appear that no provision for my presence is to be catered for in this Planning Sand Quarry Extension”.* The individual’s occupation of the field and activities of looking after and studying horses, cats and local wildlife would come to an end if permission is granted.

- *“Darrington Quarries has no access to the field and have no rights to remove any oak trees, hedges and the like from the field” and “all the oaks are in my possession and cannot be removed without my permission. The oaks are of great value and should be preserved”.*
- The parish field has been used for grazing or producing hay for over 30 years all seed has been retained before cutting to encourage and retain meadow plant life which encourage a vast variety of insect, butterfly and moth which live throughout the seasons’. 30 years of nurturing and encouraging this unique area of grass land meadow would be lost. A vital source of food for visiting birds, sand martins. The large variety of flying insects would be lost.
- The parish field supports wildlife of many kinds (Bat, Dear, Stoat, Weasel, Rabbit, Mice, Voles and Moles, Hedgehog, Fox, Dormouse) numerous species of birds and also reptiles (Adder, Grass, Smooth Snakes Common Toad, Slow worm).
- The bat and reptile surveys are considered to be unprofessional, totally irresponsible and inaccurate. The low activity findings of the submitted bat survey are not accepted and is in contrast to the individuals own observations.
- Cats were introduced to counter the rat population rising from the adjacent drain. The colony of feral cats which was introduced to keep the rat and rabbit population to the minimum is well established and the colony would be totally disorientated should they be moved. The cats have been subject to harassment recently.
- What is the need for an extension to the sand quarry? If the existing quarry has a 25 year life as originally presented to the Planning Authorities in its previous application why are we now being presented with a further application so soon?
- The area and existing quarry is affected by mining subsidence and if this is a reason to extend the quarry it is *“questionable and ill advised - as the real problem lay with and directly pointed at, the mining authority - who administered the subsidence and this should not be at the cost and destruction of Hensall – and its well established countryside, trees, meadows, hedgerows and wildlife”.*
- *“The Water table; in the adjacent field to the proposed development towards the railway this field is under water during the winter and late spring, this is shown in the crop-marks in the maze - indicating that the water settled at field level – an indicator that the water table is very high in winter and above ground. The highspeed railway embankment was reinforced to counter this problem. During the Gowdall floods this field became one large lake and the water came within 100yards of plot 3. And the boundary ditch around the Parish field plot 3 became flooded, further indication that water will drain from adjacent land into the proposed development. In addition plots 1 and 2 of the current field holds water at its lowered level after subsidence to mining and before I cannot remember one year that it has not held water during the winter and late spring. A further indicator that the water table is high and would allow drainage into the proposed development. Surface water from all roads and domestic premises’ around the existing and proposed development runs into*

*the development adding a further problem of water drainage in the area and lifting the water table within the sand quarry both existing and proposed”.*

- *“Pollution: any contaminates from road, rail, adjacent land fill quarry, domestic surface water drainage and overspill from septic tanks would eventually end up in the quarry pond, and at its proposed new lower level be nearer were water is and could, be drawn for domestic use”.*
- Noise disturbance to cats and wildlife from quarrying
- *Access to the field is “becoming increasing impossible during the day” with vehicles parked on both sides of the road, the road is regularly blocked and “it is becoming a very dangerous area to drive”.*
- Mud on the road and dust
- There are too many sand quarries in the area. The quarry should be closed and restored.
- *“This Planning application should be rejected completely on all accounts and is of a significant impact to the landscape of Hensall it is not a necessity. It represents a noise, traffic, environmental, wildlife hazard- and blot on the landscape”.*

5.4 In accordance with Regulation 22 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regs 2011) following the receipt of further/amended environmental information relating to the Environmental Statement (as listed in paragraph 4.1 of this report) the County Planning Authority re-publicised the application by way of six Site Notices posted 4 January 2017 (responses to which expired on 25 January 2017) and a Press Notice which appeared in the Selby Times/Post on 5 January 2017 (responses to which expired on 26 January 2017). In addition the member of the public who had made representation to the Authority objecting to the application was notified of the further environmental information/amended documents and the further comments received are included in the summary above.

## **6.0 Planning policy and guidance**

### National Planning Policy

6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:

- National Planning Policy Framework (NPPF) (published March 2012)

### National Planning Policy Framework (NPPF)

6.2 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.

6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development

stating its approach as *“making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same”*. The Government defines sustainable development as that which fulfils the following three roles:

- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- **A social role** – development supporting strong, vibrant and healthy communities; and,
- **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this framework indicate development should be restricted.

6.5 This national policy seeks to ensure that there are positive improvements in people’s quality of life including improving the conditions in which people live, work, travel and take leisure.

6.6 Paragraph 32 within Section 4 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.7 Paragraph 58 within Section 7 (Requiring good design) of the NPPF identifies 6 objectives that planning policies and decisions should aim to ensure that new developments:

- *“function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*



- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
  - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
  - *are visually attractive as a result of good architecture and appropriate landscaping.”*
- 6.8 Within Section 11 of the NPPF it is clear that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.9 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. It should also prevent new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.10 Paragraph 112 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”*.
- 6.11 Paragraph 118 within Section 11 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. Paragraph 118 states: *“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (inter alia): if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*.
- 6.12 Paragraph 120 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that to prevent unacceptable risks from pollution, decisions should ensure that the development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.13 Paragraph 121 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“Planning policies and decisions should also ensure that:*
- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as*

*mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*

- *land under Part IIA of the Environmental Protection Act 1990; and after remediation, as a minimum, land should not be capable of being determined as contaminated*
- *adequate site investigation information, prepared by a competent person, is presented”.*

- 6.14 Paragraph 122 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”.*
- 6.15 Paragraph 123 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“Planning policies and decisions should aim to:*
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
  - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
  - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
  - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*
- 6.16 Paragraph 128 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.*
- 6.17 Chapter 13 of the NPPF is titled ‘Facilitating the Sustainable Use of Minerals’. Within Chapter 13 it states at paragraph 142 that minerals are *‘essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are*

*a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'. Furthermore, when determining the application consideration needs to be given to the bullet points in Paragraph 144 of the NPPF relevant to the proposed development, which states that "When determining planning applications, local planning authorities should (inter alia):*

- *Give great weight to the benefits of the mineral extraction, including to the economy;*
- *as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;*
- *ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
- *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and*
- *provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances".*

6.18 Within Chapter 13 at paragraph 145 it states that "Minerals planning authorities should plan for a steady and adequate supply of aggregates by (inter alia):

- *using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;*
- *making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;*
- *ensuring that large landbanks bound up in very few sites do not stifle competition; and*
- *Calculating and maintaining separate landbanks for any aggregate material of a specific type or quality which have a distinct and separate market"*

#### National Planning Practice Guidance (NPPG) (2014)

6.19 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (NPPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

- **Air Quality**  
This section provides guiding principles on how planning can take account of the impact of development on air quality. It states *“Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation”*.
- **Minerals**  
This provides planning guidance for mineral extraction and the application process and focuses on the environmental impacts such as noise, dust and quarry slope stability and the importance of high quality restoration and aftercare of mineral sites. With regard to landbanks it states *“There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need.”*

With regard to minimising dust emissions from minerals sites the guidance states *“Where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study, which should be undertaken by a competent person/organisation with acknowledged experience of undertaking this type of work”*. It identifies 5 key stages to a dust assessment study:

- establish baseline conditions of the existing dust climate around the site of the proposed operations;
- identify site activities that could lead to dust emission without mitigation;
- identify site parameters which may increase potential impacts from dust;
- recommend mitigation measures, including modification of site design
- make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

The guidance also sets out appropriate noise standards as follows:

*“Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90, 1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90, 1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property”*.

The noise guidance states that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work (soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance) where it is clear that this will bring longer-term environmental benefits to the site or its environs.

With regard to restoration and aftercare the guidance states:

*“The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:*

- *an overall restoration strategy, identifying the proposed after use of the site;*
- *information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;*
- *where the land is agricultural land, an assessment of the agricultural land classification grade; and*
- *landscape strategy. Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture”.*

- **Natural Environment**

This section explains key issues in implementing policy to protect biodiversity, including local requirements. It reiterates that *“the National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution”.*

- **Noise**

This section advises on how planning can manage potential noise impacts in new development. In terms of decision taking on planning applications it states that Authorities should take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. It also states that *“neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development”.*

- **Water supply, wastewater and water quality**

This advises on how planning can ensure water quality and provides guidance on how development can indirectly affect water bodies. The impacts upon water quality will depend on the location and character of the proposed development. The guidance acknowledges that there are likely to

be options for mitigating the impact and mitigation should be practicable and proportionate to the likely impact.

#### The Development Plan

6.20 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.

6.21 The Development Plan for the determination of this particular application comprises the following:

- The 'saved' policies of the North Yorkshire Minerals Local Plan (1997);
- The extant policies of the Selby District Core Strategy Local Plan (2013); and
- The 'saved' policies of the Selby District Local Plan (2005).

6.22 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that are of relevance to this application:

- Minerals and Waste Joint Local Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).

6.23 The draft MWJLP was published in November 2016 for representations. At the current stage, it would not be appropriate to give any significant weight to this emerging document in respect of the development proposed in this planning application. However, it is noted that the application site is an 'allocated' site (ref. MJP22) and is listed in draft Policy M08 (Meeting building sand requirements) as one of the sites for building sand allocation. Within the draft MWJLP it states *"This site is consistent with the broad geographical approach to the supply of aggregates (Policy M01) and the provision of sand and gravel (Policy M02, M03 and M04) and could contribute to meeting requirements for the supply of sand over the Plan period (Policy M08) as evidence, including from the adjacent existing quarry, indicates that there is a suitable resource in this location. No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environments which indicate any significant conflict with other relevant policies in the Plan. Although there are development requirements which have been identified through the Site Assessment process which would need to form part of the development proposals for any subsequent planning application, no overriding constraints have*

*been identified at this stage through the site assessment process to indicate that the site could not be developed and operated in an acceptable manner”.*

- 6.24 The NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out of date because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations which local planning authorities should take into account from the day of its publication.
- 6.25 If, following the 12 month transitional period given to local planning authorities to ensure compliance of their Local Plans with the NPPF, a new or amended plan has not been adopted, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215 of the NPPF). The closer the policies in the plan to the policies in the NPPF the greater the weight that may be given.
- 6.26 Therefore, relevant policies within the NPPF have been set out above and the relevant ‘saved’ policies within the North Yorkshire Minerals Local Plan (1997) and the Selby District Local Plan (adopted 2005) are outlined and the degree of consistency with the NPPF is considered. This exercise is not applicable to the policies contained within the ‘Selby District Core Strategy Local Plan’ (adopted 2013) as the Local Plan Strategy is a post-NPPF adoption and has been deemed to be in compliance with the general aims of the NPPF.

North Yorkshire Minerals Local Plan ‘saved’ policies

- 6.27 The Planning and Compensation Act 1991 placed a duty on each County Council in England and Wales to prepare a Minerals Local Plan. The North Yorkshire Minerals Local Plan was adopted in 1997 under the 1991 Act. In the absence of an adopted MWJLP and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the ‘saved’ policies continue to form part of the statutory ‘development plan’ and provide an important part of the current local policy framework for development control decisions for minerals related development.
- 6.28 The ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997) relevant to the determination of this application are:

- Policy 4/1 - Determination of Planning Applications;
- Policy 4/6a - Nature Conservation and Habitat Protection – Local;
- Policy 4/10- Water Protection;
- Policy 4/13 - Traffic Impact;
- Policy 4/14 - Local Environment and Amenity ;
- Policy 4/18 – Restoration to Agriculture;
- Policy 4/20 – Aftercare; and
- Policy 5/1 – Sand & Gravel Landbanks

- 6.29 ‘Saved’ Policy 4/1 ‘Determination of Planning Applications’, states that:  
*“In considering an application for mining operations, the Minerals Planning Authority will need to be satisfied that, where appropriate:-*
- (a) *the mineral deposit on the application site has been fully investigated;*  
(b) *the siting and scale of the proposal is acceptable;*

- (c) *the proposed method and programme of working would minimise the impact of the proposal;*
- (d) *landscaping and screening has been designed to effectively mitigate the impact of the proposal;*
- (e) *other environmental and amenity safeguards would effectively mitigate the impact of the proposals;*
- (f) *the proposals and programme for restoration are acceptable and would allow a high standard to be achieved;*
- (g) *a high standard of aftercare and management of the land could be achieved;*
- (h) *the proposed transport links to move the mineral to market are acceptable; and*
- (i) *any cumulative impact on the local area resulting from the proposal is acceptable”.*

6.30 The NPPF does not mention the matters raised in points a), b), c), d).

6.31 Where criterion e) is concerned, Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should ensure that any unavoidable emissions or vibrations are controlled or mitigated (if it is not possible to remove them at source).

6.32 With regard to criteria f) and g), Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.

6.33 Criterion h) of ‘saved’ Policy 4/1 does not conflict with the provisions of the NPPF; however, there are differences in the objectives. Criterion h) states that transport links should be acceptable whereas paragraph 32 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance.

6.34 Criterion i) of ‘saved’ Policy 4/1 is in compliance with paragraph 144 of the NPPF. Paragraph 144 states that in granting permission for mineral development the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality should be taken into account.

6.35 ‘Saved’ Policy 4/6A ‘Nature Conservation and Habitat Protection – Local’, states that in making decisions on planning applications, the Mineral Planning Authority will protect the nature conservation or geological interest of Local Nature Reserves and of other sites having a nature conservation interest or importance, and will have regard to other wildlife habitats.

6.36 This Policy is consistent with paragraph 109 of the NPPF. Paragraph 109 states that that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.

6.37 ‘Saved’ Policy 4/10 ‘Water Protection’, states that proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. Paragraph 143 of the NPPF states that when preparing local plans, local planning



authorities should set out environmental criteria, in line with policies in the NPPF, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the flow and quantity of surface and groundwater and this policy is compliant with paragraph 143 of the NPPF.

- 6.38 'Saved' Policy 4/13 'Traffic Impact', states that where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network.
- 6.39 This Policy is consistent with the provisions of paragraph 32 of the NPPF which also states that improvements to the transport network should be considered.
- 6.40 'Saved' Policy 4/14 'Local Environment and Amenity', states that proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact upon the local environment or residential amenity.
- 6.41 This Policy is considered to be consistent with paragraph 144 of the NPPF. Paragraph 144 states that when determining planning applications, local planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and human health and should take into account cumulative impacts of a development in a locality.
- 6.42 'Saved' Policy 4/18 entitled 'Restoration to agriculture' is considered relevant to the determination of this application as the proposal is for the site to be restored to agriculture once operations have ceased. The policy states, 'Where agriculture is the intended primary after use, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land'.
- 6.43 The NPPF states within Paragraph 144 that planning authorities should 'provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary'. It is considered that 'saved' Policy 4/18 is therefore consistent with the NPPF and should be afforded full weight in the determination of this application.
- 6.44 'Saved' Policy 4/20 'After-care', states that planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) after-uses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements.
- 6.45 This Policy is considered to be consistent with paragraph 144 of the NPPF. Paragraph 144 states that when determining planning applications, local planning

authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

6.46 'Saved' Policy 5/1 'Sand and Gravel Landbanks' states that *"The County Council will identify three landbanks for calculating sand and gravel provision, as follows:-*

- a) Sand and gravel (Northwards);*
- b) Sand and gravel (Southwards); and*
- c) Building sand.*

*In determining which of the landbanks for sand and gravel a site falls within, the County Council will take into account the geographical location of the site and the likely external markets for the material."*

6.47 This Policy is considered to be consistent with Section 13 (paragraph 145) of the NPPF which sets out that the landbank for sand and gravel reserves should be maintained at a minimum of 7 years supply.

#### Selby District Core Strategy (2013)

6.48 The Selby District Core Strategy is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development. The policies relevant to the determination of this application are:

- SP1 - Presumption in Favour of Sustainable Development
- SP13 - Scale and Distribution of Economic Growth
- SP15 - Sustainable Development and Climate Change
- SP18 - Protecting and Enhancing the Environment
- SP19 - Design Quality

#### Policy SP1: Presumption in Favour of Sustainable Development

6.49 Policy SP1 of the Selby District Core Strategy states *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted'.*

#### SP13: Scale and Distribution of Economic Growth

6.50 Policy SP13 of the Selby District Core Strategy states that "Support will be given to developing and revitalising the local economy in all areas", with the most relevant considerations for this application being as follows:

C. *Rural Economy*

*In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:*

1. *The re-use of existing buildings and infrastructure and the development of well-designed new buildings;*
  2. *The redevelopment of existing and former employment sites and commercial premises;*
- D. *In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity”.*

Policy SP15: Sustainable Development and Climate Change

6.51 Policy SP15 of the Selby District Core Strategy relates to Sustainable Development and Climate Change and specifically Part B is of relevance to this application, and states (inter alia):

*“B. Design and Layout of Development*

*In order to ensure development contributes toward reducing carbon emissions and are resilient to the effects of climate change, schemes should where necessary or appropriate:*

- d) *Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation;*
- e) *Include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the ‘urban heat island effect’ and to offset carbon loss;*

Policy SP18: Protecting and Enhancing the Environment

6.52 Policy SP18 of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. A number of points within Policy SP18 are of relevance to the proposed development, as follows:

*“The high quality and local distinctiveness of the natural and man-made environment will be sustained by (inter alia):*

1. *Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance...*
3. *Promoting effective stewardship of the District’s wildlife by:*
  - a) *Safeguarding international, national and locally protected sites for nature conservation, including SINCS, from inappropriate development.*
  - b) *Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site*
  - c) *Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate...*
7. *Ensuring that new development protects soil, air and water quality from all types of pollution”.*

Policy SP19: Design Quality

- 6.53 *“Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.*

*Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements:*

- a) Make the best, most efficient use of land without compromising local distinctiveness, character and form.*
- b) Positively contribute to an area’s identity and heritage in terms of scale, density and layout;*
- c) Be accessible to all users and easy to get to and move through;*
- d) Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts;*
- e) Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate;*
- f) Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community;*
- g) Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form;*
- h) Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance;*
- i) Create mixed use places with variety and choice that compliment one another to encourage integrated living, and*
- j) Adopt sustainable construction principles in accordance with Policies SP15 and SP16.*
- k) Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.*
- l) Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved”.*

‘Saved’ Policies of the Selby District Local Plan (2005)

- 6.54 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant. As these policies pre-date the adoption of the NPPF, weight can be afforded to them depending on their consistency with the NPPF. Those of relevance to this application and the weight that can be attached to them are discussed in turn below. The ‘saved’ policies considered relevant to the determination of this application are:

- ENV1- Control of Development
- ENV2 - Environmental pollution and Contaminated land
- ENV21- Landscaping Requirements
- ENV28 - Other Archaeological Remains
- T1- Development in Relation to the Highway network
- EMP9 - Expansion of Existing Employment Uses in the Countryside

'Saved' Policy ENV1- Control of Development

- 6.55 This policy states that "...development will be permitted provided a good quality of development would be achieved" and sets out a number of points which the District Council will take account of in considering proposals for development:
- 1) The effect upon the character of the area or the amenity of adjoining occupiers;
  - 2) The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;
  - 3) The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;
  - 4) The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;
  - 5) The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;
  - 6) The extent to which the needs of disabled and other inconvenienced persons have been taken into account;
  - 7) The need to maximise opportunities for energy conservation through design, orientation and construction; and
  - 8) Any other material considerations".
- 6.56 It is considered that limited weight can be attached to 'saved' Policy ENV1 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. However, with regards to transport, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and, therefore, only limited weight may be given in this instance.

'Saved' Policy ENV2 - Environmental pollution and Contaminated land

- 6.57 This policy states that
- A) *Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.*
  - B) *Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary".*
- 6.58 This Policy is generally considered to be compliant with Section 11 of the NPPF.

'Saved' Policy ENV21 – Landscaping Requirements

This policy states that

- A) *Where appropriate, proposals for development should incorporate landscaping as an integral element in the layout and design, including the*

*retention of existing trees and hedgerows, and planting of native, locally occurring species.*

*B) The District Council may make tree preservation orders, impose planting conditions, or seek an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure the protection and future maintenance and/or replacement of existing trees, hedgerows and proposed new planting”.*

6.59 This Policy is generally considered to be compliant with Section 11 of the NPPF.

‘Saved’ Policy ENV28- Other Archaeological Remains

6.60 This policy states that

- “(A) Where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application.*
- (B) Where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development.*
- (C) Where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development”.*

6.61 This Policy is generally considered to be compliant with paragraph 128 of the NPPF.

‘Saved’ Policy T1- Development in Relation to the Highway network

6.62 ‘Saved’ Policy T1 of the Selby District Local Plan (2005), states that development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. It is considered that ‘saved’ Policy T1 is consistent with the NPPF and should be given full weight in the determination of this application. This is because the objectives in the NPPF state that improvements to the transport network should be considered.

‘Saved’ Policy EMP9 - Expansion of Existing Employment Uses in the Countryside

6.63 This policy states that *“Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided:*

- 1) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
- 2) The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests;*
- 3) The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and*
- 4) Proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural land and the site would be well related to existing development and well screened and/or landscaped”.*

6.64 This Policy is generally considered to be compliant with the NPPF and it is therefore considered that this Policy can be afforded full weight.

## 7.0 Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 also requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The main considerations in this instance are the appropriateness of the proposal in relation to the abovementioned planning policy framework and in particular the principle of the development considering need and the landbank and also the effect upon local amenity (noise, vibration and air quality), landscape and visual impact, ecology, flood risk and the water environment, archaeology and heritage, highways and railway infrastructure, impact upon soils and agricultural land and site restoration and aftercare.

### Principle of the proposed development (need and the landbank)

7.2 The acceptability of the extraction of sand from the Hensall area has been established by a number of historical planning permissions at various sites within the locality. For the planning application under consideration the applicant has identified a workable reserve of 600,000 tonnes of building sand on land adjacent to an established sand quarry. The proposed extension would benefit from the presence of existing infrastructure (weighbridge, offices, site access) in place at the quarry before it is removed and the land fully restored. The proposed extension to this established quarry would reduce the requirement for new quarry sites to be developed in more “sensitive areas” to meet requirements for building sand and would result in continued employment at the site through the safeguarding of jobs.

7.3 The NPPF (paragraph 142), recognises that *“minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, building, energy and goods that the country needs.....”* and in paragraph 145 encourages MPA’s to plan to maintain a 7 year landbank for sand and gravel (including building sand).

7.4 The draft MWJLP states that there is an estimated shortfall for building sand (balance between permitted reserves at 1 January 2016 and total requirement to 31 December 2030) of 0.9 million tonnes. It states that *“Requirements for building sand during the Plan period can be met through the release of reserves on specific sites put forward for consideration, which contain an estimated 2.5mt of reserves and therefore would also be sufficient to maintain a 7 year landbank of building sand at 31 December 2030”*. As highlighted in paragraph 6.23 of this report the proposed extension at Hensall Quarry is listed as one of the building sand sites (ref. MJP22) ‘allocated’ in draft Policy M08 (Meeting building sand requirements).

7.5 The concerns of the member of the public in relation to need are noted. The amount of building sand needed to meet requirements over the Plan period is relatively small, however, the NPPG indicates that *“There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank ...”*

- 7.6 The proposed extension would release a viable reserve (600,000 tonnes) which would make an important contribution towards the supply of building sand in the County and to the main markets in the sub region. Furthermore it is important to note that there are permitted mineral reserves within the existing quarry that have been sterilised prior to the deposit being fully worked as a result of the site having been undermined from Kellingley Colliery. Therefore given that the landbank calculation predates the depletion of the existing reserves at Hensall Quarry the actual landbank is likely to be significantly less.
- 7.7 Landbanks are an important aspect of Government policy to ensure continuity of supply of minerals and support economic growth and provision of infrastructure. The contribution the extended quarry would make towards a sufficient supply of building sand and also employment in the Region is consistent with national planning policy contained within the NPPF (paragraphs 142, 144 & 145) which advise MPAs to “*give great weight to the benefits of mineral extraction, including to the economy*” as well as policy SP13 of the Selby District Core Strategy Local Plan (2013) and ‘saved’ policy EMP9 of the Selby District Local Plan (2005) in terms of employment and the promotion of sustainable growth of key economic sectors. However, any potential adverse impacts on the environment and amenity arising from the proposed extension need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.
- Local amenity (noise and vibration)
- 7.8 Chapter 9 of the ES focuses on noise and vibration impacts. The assessment considers the likely noise levels generated by plant undertaking extraction and processing operations and heavy goods vehicle movements at the nearby noise-sensitive residential receptors. The assessment has been made against noise limits derived from the measured background noise levels in the area. Due to the nature and method of the mineral extraction adverse effects from vibration are not anticipated.
- 7.9 The assessment included the recording of background noise levels in April 2016 at five noise monitoring locations which comprise the nearest residential properties on all sides of the proposed extension area. In response to the comments made by the EHO the applicant repeated background noise monitoring during November 2016 at the same monitoring locations but in calmer weather conditions.
- 7.10 It is accepted that surface mineral workings have the potential to generate noise due to the use of heavy plant (wheeled loading shovel and HGVs). It is noted that the design of the quarry extension area incorporates stand offs from operational areas, phased working and soil stripping to allow for screening bunds (up to 3m high) along the perimeter of the working area. In addition the extraction operations take place at depth and behind the working face and all mobile plant would use broadband (white sound) reverse warning systems.
- 7.11 The assessment shows that the worst-case noise levels generated by temporary operations such as soil stripping and screen mound construction operations, would remain within the absolute noise limit of 70dB LAeq,1hr stipulated in the PPG and a condition shall be included on any permission given to confirm that limit.
- 7.12 The assessment shows that worst case predicted noise levels would result in a minor exceedance of the noise limits for short periods of time during the



operational phase (day time) at the nearest residential receptors to the north-east (Quarry View +5dB) and west (Blue Pines +1dB and Station Road +2dB).

- 7.13 The comparison of the monitoring results shows that the background noise levels measured in November 2016, during relatively calm conditions, are greater than those measured in April 2016. This would result in noise limits being set at the maximum of 55dB LAeq,1hr at all locations when derived in accordance with the guidance contained in the National Planning Policy Framework Planning Practice Guidance relating to Minerals.
- 7.14 For the majority of the time the noise level from the quarry would have no adverse noise impact but on occasion, at identified receptors, may rise to have a low level of effect. The assessment shows that there would be no significant adverse noise impact on the amenity of residents at the nearby receptors.
- 7.15 The observations of the EHO are noted but it is considered that the noise monitoring and modelling has been carried out in accordance with the relevant planning practice guidance for mineral development. Furthermore records indicate that there have been no complaints regarding noise from the existing quarry.
- 7.16 It is considered that if permission is granted it should be subject to noise limit conditions in line with planning practice guidance for mineral development together with a requirement for the operator to produce and implement a scheme to monitor and control noise from the operations.
- 7.17 In light of the above it is considered that the unavoidable noise from the site can be controlled and mitigated to minimise the impact in compliance with paragraph 144 of the NPPF and 'saved' policies 4/1(c&e) and 4/14 of the NYMLP (1997), policy SP19 of the Selby District Core Strategy Local Plan (2013) and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005).

#### Local amenity (air quality)

- 7.18 Chapter 11 of the ES assessed air quality. With regard to exhaust emissions from HGVs the proposed development would generate fewer than 100 Annual Average Daily Traffic (AADT) and is not located within an Air Quality Management Area (AQMA) and therefore does not require air quality assessment. The existing and proposed operations at the site do not generate odour and therefore the main air quality issue in relation to the proposed development is dust. The applicant's assessment has focused on dust from the extraction of minerals, restoration and landscaping and the transport of materials (via HGV).
- 7.19 The nearest residential receptors are Heck Lane Gate House and Quarry View approximately 50m from mineral extraction areas (Phase 2) and all other potential receptors are considered remote in terms of dust nuisance impacts. The applicant acknowledges that there is the potential for dust nuisance to occur for the nearest properties, particularly during bund creation. However, it is considered that this risk may be adequately mitigated by robust operational controls. Effective operational management and mitigation of the extraction and restoration phasing would ensure that this risk is also low. In summary the dust control measures that should be employed are set out below:
- if necessary, internal roads/tracks will be sprayed with water using a bowser when conditions are dry and dusty and operations are close to receptors;

- all extracted material will be loaded directly to the screener/conveyor;
  - Where bunds are created with extracted material, these will be seeded/covered as soon as practicable;
  - A wheel cleaning facility will be in place at the site;
  - vehicle speeds on internal roads/tracks will be limited;
  - dust monitoring procedures will be put in place which include:
    - inspection sheets to monitor haul roads daily; and
    - a system that would capture complaints such as dust.
- 7.20 The applicant states that the environmental design and mitigation measures are considered to be sufficient for the proposed development however the specific mitigation measures can be set out in a detailed Dust Management Plan to be submitted and agreed (under condition) should permission be granted.
- 7.21 With regard to air quality the EHO has no objections and is in agreement with the proposed scheme to control and monitor dust from the operations which would be secured by condition.
- 7.22 The potential for dust generating sources have been recognised and assessed and there have been no objections raised by the District EHO. The impacts are predicted to be negligible and therefore insignificant and it is considered that the dust can be sufficiently controlled and mitigated to minimise the impact in compliance with paragraph 144 of the NPPF, 'saved' policies 4/1(c&e) and 4/14 of the NYMLP (1997), policies SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005).
- Landscape and visual impact
- 7.23 Chapter 5 of the ES assesses the landscape and visual impact of the proposed extension. The proposed extension site is currently agricultural land and set within a relatively flat landscape that is primarily composed of farmland. The extension area comprises four fields defined by tree lined hedgerows, a ditch and a road connecting from New Road to the existing quarry. The largest field is arable and extends along the northern boundary (Phases 1 & 2). Three further fields, including two arable and one pastoral extend south aligned by New Road.
- 7.24 The proposed development, during the operational phase, would involve soil stripping, extraction and screening of sand, transporting sand to market by road and phased restoration and would alter the character and appearance of the landscape on a temporary basis. This would result in the loss of field patterns and trees and vegetation within the extension area.
- 7.25 Whilst the site and surrounding land is predominately in agricultural use the landscape character is dominated by man-made features comprising Eggborough Power Station, the road and rail network and quarrying.
- 7.26 Views are not available to the vast majority to the north of the application site owing to isolated landform and built form, and to the west views are primarily screened by vegetation and built form. Significant portions to the south and east would also receive no view because of a combination of elements obscuring the site. The phased working indicates that stripped soils would be stored in bunds (grassed) of up to 3 metres in height along the perimeter of working in each phase which would provide screening of the excavation work. The nearest

receptors include 'Quarry View', 'Blue Pines', a small number of properties within Hensall and upon Broach Road, and parts of New Road. The views experienced from these receptors are all glimpsed, most are at distance and all are entirely consistent with those seen within the vicinity. Views of the site from the M62, Broach Road and two railway lines would be possible but limited and the extended quarry would be seen at speed, obliquely and as a small part of a scene composed of various land uses.

- 7.27 A detailed advance planting mitigation scheme has been prepared to help screen the site and is shown on Landscape Plan Phase 1 drawing ref LL01. A further landscape mitigation planting scheme has also been prepared which will be implemented progressively as soils from the soils storage bunds are removed and replaced on the prepared restoration profile and the detail is shown on Landscape Plan Phase 2 drawing ref LL02. The proposed restoration would reinstate internal field boundaries, agricultural land use, but not the original ground levels. It is anticipated that the final height of the agricultural land would be approximately 4m below current levels. The landscape features along the northern, eastern and southern boundaries ('gappy' hedgerows) would be strengthened through planting.
- 7.28 The County Principal Landscape Architect has stated a preference for the existing trees around the parish field (boundary formed by ditch) to be retained as whilst they do not fall within any formal designation or protection they are considered by the County Principal Landscape Architect to be of landscape and historic value.
- 7.29 The applicant confirmed that extraction within Phase 3 would require the removal of the existing planting within that area and it would be impractical to retain the trees. The retention of that portion of phase 3 would result in a peninsula of sand plus side batters extending westward into the quarry which would sterilize a considerable volume of material. Furthermore, in terms of restoration, the unworked peninsula of sand would create an incongruous landform which would be difficult to farm effectively.
- 7.30 Following further consideration and discussion the applicant proposed a compromise involving the retention of two tree groups on New Road as a compensatory measure for the features to be removed to allow for the completion of mineral extraction within Phase 3. The trees proposed to be retained are shown on the 'Tree Retention Plan' drawing ref HQL-H-101 (dated Jan 2017) attached to this report at Appendix F. In response the County Principal Landscape Architect accepts that *"This provides a good nucleus for a future larger copse containing trees of mixed ages, which can be expanded further as part of the restoration scheme. Despite the relatively small footprint of the copse and hedgerow it will provide good screening, which can be further increased by advance planting, and it will make a significant visual contribution to the restored landscape, and local landscape character"*.
- 7.31 The retained trees and hedgerows would be protected, prior to soil storage, with appropriate standoffs and fencing to ensure that sensitive areas are protected from vehicles, plant and equipment.
- 7.32 The County Principal Landscape Architect supports the proposed advanced and post extraction planting and has confirmed that the compromise to retain identified

tree groups is accepted. In terms of policy compliance, it is considered that the proposed landscape screening would protect the environment and residential receptors from potential landscape and visual impacts and it is considered that the proposed development is in accordance with the NPPF and 'saved' policies 4/1 and 4//14 of the NYMLP (1997), policies SP15, SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and 'saved' policies ENV1 and ENV21(a) of the Selby District Local Plan (2005).

Ecology- Biodiversity, habitats, nature conservation and protected species

- 7.33 Chapter 6 of the ES assesses the ecological impacts of the development and is accompanied by surveys for protected species. The proposed extension would result in the loss of vegetation including mature trees of ecological value and there is potential for impacts upon bats and birds. The applicant states that the effect can be appropriately mitigated through avoidance measures during the construction, operational, and restoration phases. In addition the proposed retained and additional trees would be incorporated throughout the screening buffers of the operational quarry and along the boundaries of the restored site to provide biodiversity enhancements.
- 7.34 A restoration masterplan encompassing mitigation and biodiversity enhancement will be produced once the final restoration contours etc for the whole site have been determined. The County Ecologist also requests conditions to cover pre-felling checks of trees for roosting bats and tree and vegetation removal outside of the nesting season and also an overall restoration plan for the site, which clearly identifies mitigation and enhancement measures for nature conservation.
- 7.35 It is considered that subject to securing the proposed mitigation through the inclusion of a planning condition the development would preserve the sites of nature conservation interest and protected species and in the restoration planting has the potential to enhance biodiversity in the area. It is therefore considered that the development would be in accordance with paragraphs 109 and 118 of the NPPF and comply with 'saved' policies 4/1(c) and 4/6a of the NYMLP (1997), policies SP15 and SP18 of the Selby District Core Strategy Local Plan (2013) and 'saved' policy ENV1 of the Selby District Local Plan (2005).

Flood risk, drainage and the water environment

- 7.36 Chapters 7 & 8 of the ES assess hydrology, flood risk and hydrogeology. The site is within Flood Zone 3b which is land considered to be at 'high' risk of fluvial flooding, and is considered to be 'functional floodplain'. A FRA has been produced which has reviewed flood risk to the site from all sources, including; tidal (sea), fluvial (river), surface water flooding, groundwater flooding, sewer flooding, and infrastructure failure (ponds, lakes etc.). As such, fluvial flooding has been identified as the primary source of flooding to the site. The FRA recommends the following measures to mitigate fluvial flood risk:
- setting any welfare facilities +600mm above external levels.
  - anchoring any welfare facilities to the ground.
  - preparing a Flood Evacuations and Management Plan (FEMP) for the wider quarry.
- 7.37 The FRA found that the site was at risk of secondary flooding sources, which include; surface water and groundwater flooding. The applicant states that flooding from secondary flooding sources will be further mitigated through the adoption of a surface water management strategy. This would be incorporated

into an Environmental Management Plan for the working and restoration phases which would be secured by planning condition.

- 7.38 There is a land drain located within the middle of the site, and a larger network of land drains located approximately 100m to the east of the site. The land drain exits the site along the eastern boundary via a circular culvert. The onsite land drain terminates to the east of New Road. There is no connectivity to the wider land drainage network, which exists to the east of the site. As such, there will be no impact on the sedimentation, flow rates, discharge volumes or contaminants entering any watercourse.
- 7.39 The loss of floodplain as a result of the development would be negligible within the wider floodplain both spatially and temporally, and therefore there will be no requirement for floodplain compensation. Given the nature of the proposed development within Flood Zone 3b, and the surface water management strategy suggested, then the proposed development poses no significant risk to surface water resources within the area.
- 7.40 The concerns of the member of the public in relation to the water table and pollution are noted and it is the case that the proposed extension site is within a Source Protection Zone 3 and the nature of the hydrogeological conditions renders the geology and hydrogeology vulnerable to contamination. The permeable superficial deposits are classified as a secondary aquifer and are underlain by the Sherwood Sandstone, a principal aquifer used for potable water supply.
- 7.41 The applicant has recognised that further groundwater data is required in line with advice from the Environment Agency in order to determine the natural variations in the water table. This would comprise 12 months of borehole monitoring to provide a definitive picture of fluctuations in water table levels and allow for a permanent depth of working to be agreed and in the short term the applicant proposes maximum depth of working would be no lower than the recorded water table plus 1 metre (2.9m AOD). The applicant states that as the working will not be sub-water table, no silt or clay will enter the groundwater and there is therefore no need to produce a risk assessment or propose mitigation measures.
- 7.42 The Environment Agency and Yorkshire Water have no objections to the application and it is considered that it would not give rise to any significant or unacceptable adverse impacts upon the water environment subject to the working being progressed in a phased manner and in accordance with the details approved under condition (depth of working informed by borehole monitoring) and complies with the NPPF and 'saved' policy 4/10 of the NYMLP (1997), policy SP19(g) of the Selby District Core Strategy Local Plan (2013) and 'saved' policy ENV2 of the Selby District Local Plan (2005).

#### Archaeology and heritage

- 7.43 Chapter 12 of the ES (Archaeology/Cultural Heritage) confirms that the proposed development would not impact upon any designated heritage assets or their settings. In light of previous archaeological excavations associated with previous phases of quarrying at this location it is considered that the extension area has the potential to provide evidence of undesignated assets in the form of Neolithic, Iron Age and Romano-British activity.

- 7.44 The County Principal Archaeologist acknowledges that the principal archaeological resource previously identified consisted of Iron Age and Romano-British field enclosures, with some evidence for structures and domestic activity. The County Principal Archaeologist agrees with the applicant that features identified in the previous fieldwork are of regional significance and would not preclude development. The County Principal Archaeologist states that *“The phased strip, map and record exercise appears to have worked well in recording the archaeological features at the existing quarry”* and agrees with the recommendation that this methodology should be extended into the current area and that a condition is attached to any permission granted to secure the implementation of such a scheme of archaeological mitigation recording.
- 7.45 In light of the above, it is considered that the impact of the proposal upon cultural heritage assets will be fully assessed and appropriate mitigation included in accordance with policy set down in respect of undesignated heritage assets within the NPPF and in compliance with ‘saved’ Policy ENV28 of the Selby District Local Plan (2005).

#### Highways

- 7.46 Chapter 10 of the ES details the existing traffic conditions and highway characteristics and assesses the potential impacts of the proposed development. The mineral would continue to be extracted on a phased basis and traffic generated by the quarry would be based on an output of 100,000 tonnes per annum which is slightly higher than the average extraction tonnages for the past three years of 99,580 tonnes. During the past three years monthly export tonnages have ranged from a low of 3,197.34 in December 2013 to a high of 12,800.96 in March 2015.
- 7.47 The applicant states that the HGVs movements generated by the quarry will be very similar to existing and equates to approximately 104 accessing and 104 exiting the site per week or a total of 38 trips per day over a proposed 5.5 day working week. Based on an assumed 8 hour working day the predicted number of two way trips is approximately five per hour.
- 7.48 The quarry access off New Road would remain unchanged and HGV traffic would continue to turn right out of the quarry and use the New Road/A645 junction where visibility in both directions is clear.
- 7.49 The destination of the sand extracted from Hensall is predominately West and North Yorkshire. The routes taken by HGVs will remain the same as at present. HGVs travelling north would use the A1(via M62) or the A19 (towards Selby & York) and HGVs travelling west would use the A645 Weeland Road or the M62.
- 7.50 The Local Highway Authority (LHA) and Highways England acknowledge that the proposal represents a continuation of the existing levels of HGV traffic and that it would not have an adverse impact on the highway network. Whilst the concerns of the member of the public are noted there are no objections from either consultee subject to the inclusion of conditions restricting access to the site to only via the existing access and the incorporation of precautions to prevent the deposit of mud on the highway. A standard condition was also requested by the LHA for the establishment of on-site parking and storage areas during construction however due to the nature of the development, that of mineral

extraction, there is no construction phase and the condition is not considered relevant in this instance.

- 7.51 In light of the above it is considered that the traffic generated can be accommodated and will not have an unacceptable impact on highway safety, capacity or amenity and complies with 'saved' policies 4/1(h) and 4/13 of the NYMLP (1997) and 'saved' policies T1 and ENV1 of the Selby District Local Plan (2005).

#### Railway infrastructure

- 7.52 The application site is bounded to the north by the Knottingley to Hull railway line and the proposed development would involve mineral working closer to the railway line than at present. The design of the phased mineral extraction includes a 30 metre wide working stand off from the railway line as shown on the 'Phasing Plan' drawing ref DQL/H/02 dated June 2016.
- 7.53 Network Rail have been consulted and have confirmed 30 metres to be the required stand off and, in order to further safeguard the railway, have requested that a number of conditions and informatives be included on any permission granted. These cover safe stand offs from the railway (relating to extraction, buildings, material storage, plant and machinery and tree planting), the maintenance of a stable quarry face adjacent to the railway boundary, a safe lighting scheme (to avoid dazzle hazard) and the restriction on the nature of any imported backfill material (inert only). In light of the above it is considered that the quarry extension will not have an unacceptable impact on the safe operation of the adjacent railway line and the design complies with policy SP19(g) of the Selby District Core Strategy Local Plan (2013).

#### Soils and agricultural land use

- 7.54 Chapter 15 of the ES comprises an assessment of soil resources, their conservation and management including an ALC assessment. The proposed quarry extension would result in the temporary loss of 14.91ha of agricultural land. The ALC assessment (soil classification grades 1-5) has found that approximately 4.7ha is Grade 3a and 9.3ha is Grade 3b with the remaining Grade 4 or unsurveyed. Therefore 31% of the proposed extension area is classified as "Best and Most Versatile" (BMV) land (Grade 3a) which is land within phases 1, 2 and 4 of the proposed extension area and shown on the ALC Map contained at Appendix E of this report. At the time of the application the fields were drilled with winter barley, winter wheat and grass.
- 7.55 The national planning policy on BMV land is to steer development away from high quality agricultural land. As acknowledged in the PPG it is the case that minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited.
- 7.56 Natural England have not raised an objection to the loss of BMV land but have provided guidelines for consideration. Due to the nature of the proposal there cannot be any direct mitigation to prevent the temporary loss of 14.91ha of agricultural land. The mitigation takes the form of phased restoration to agriculture and also by minimising damage to soils through adopting good practice in soil stripping, handling, storage, replacement and aftercare to ensure

that restoration is to the highest standard possible. As a result there would be no permanent loss of agricultural land but the BMV land would be downgraded on the agricultural land classification.

- 7.57 The restoration scheme is a continuation of that previously considered acceptable for the existing quarry. There would be 300mm of topsoil and subsoil spread across the site as part of restoration (40,978m<sup>3</sup>). There have been no objections raised through the EIA process nor this application to the principle of the restoration and after use scheme. The proposed extension would provide a secure supply of sand to support the landbank referred to in paragraph 145 of the NPPF and paragraph 144 which advises planning authorities to give great weight to the economic benefits of the mineral extraction. In conclusion whilst the loss of BMV land is not consistent with the principles of paragraph 112 of the NPPF the economic benefits of mineral extraction and the security of supply in the Plan area (paragraphs 144 & 145 of the NPPF) combined with the after use outweighs the loss of the 4.7ha of best and most versatile agricultural land.
- 7.58 It is considered that the absolute loss of the BMV land is relatively small and that through the implementation of a series of mitigation measures the site overall can be restored to a productive agricultural use. The inclusion of standard conditions relating to soil stripping, handling, storage and replacement will be attached to any permission granted along with a condition requiring the annual submission of a Soil Resource Plan to allow the Authority to monitor soil handling operations throughout the life of the permission.
- 7.59 In light of the above it is considered that there is no conflict with 'saved' policies 4/1(f&g) and 4/18 of the NYMLP (1997) or policies SP18 and SP19 of the Selby District Core Strategy Local Plan (2013).

#### Restoration and aftercare

- 7.60 The applicant proposes phased restoration of the site to agriculture at low level. The phased working proposes that approximately 1m of topsoil and subsoil is stripped from each phase and temporarily stored in bunds aligning the edges of the phase. The sand extraction would then occur to an approximate depth of circa 4m. The stored topsoil would then be removed from the bunds and replaced in preparation for continued agricultural use. The final height of the agricultural land would be approximately 4m below current levels. The ditches lost during the process of extraction would not be replaced as part of the land restoration. The land would revert to farmland and the internal field boundaries and patterns would be restored and reinforced, using mixed native hedgerow to demarcate fields with continuous lines, with occasional specimen trees.
- 7.61 It is noted that the proposed restoration would restore internal boundaries, and agricultural land use, but not ground levels. The landscape features along the northern, eastern and southern boundaries would be strengthened through planting and vegetation quality would improve in contrast to the 'gappy' hedgerows at present. In the long term this would increase both the landscape and biodiversity value of the site.
- 7.62 The applicant has confirmed that once the 12 months of groundwater monitoring has been completed in line with the Environment Agency's requirements a materials balance can be calculated (material for infilling) and the final depth of working of the quarry established and then a Restoration Masterplan submitted



for consideration. The applicant has confirmed that the Masterplan will show the integration between the existing quarry and the extension area together with biodiversity enhancements. This shall be secured by condition and shall require the submission of the Masterplan within 18 months of the grant of planning permission.

7.63 The restored landform would be subject to aftercare management for a 5 year period. The scheme will address such matters as establishment and maintenance of crops, soil testing to determine fertiliser requirements, works to alleviate any residual compaction and drainage. Once agricultural requirements have been assessed and the Restoration Masterplan approved a detailed scheme shall be submitted under the terms of a planning condition attached to any permission granted.

7.64 It is therefore considered that the restoration on the site can be achieved to a high standard and would be subject to aftercare management and complies with the NPPF and 'saved' policies 4/1(f&g), 4/18 and 4/20 of the NYMLP (1997).

#### Other matters

7.65 It should be noted that the correct notices have been served by the applicant on landowners and tenants under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and any private legal issues between the landowner and tenant relating to occupation of land are not material to the consideration of this planning application.

## **8.0 Conclusion**

8.1 The proposal represents a significant extension to the existing quarry but does not seek to increase the annual output tonnage from the quarry, alter established working practices or amend the overall restoration scheme. The proposal would ensure the continued supply of sand to market in line with national policy and guidance on maintaining adequate landbanks. There has been a loss of a significant proportion of consented reserves within the existing quarry due to coal mining subsidence but the proposed development identifies reserves within the extension area that can be extracted without unacceptable harm and this would avoid the unnecessary early closure of the quarry and sterilisation of the identified mineral resource.

8.2 The development is supported in principle and consideration has been given to the location and scale of the quarry extension, the methods of working and proposed mitigation and it is concluded that it would not result in the development having an unacceptable impact upon landscape character, heritage assets, ecology, local amenity, the water environment or highways. It is considered that any adverse impacts can be adequately mitigated by way of Conditions. There are no material planning considerations to warrant the refusal of this application for a 14.91 hectare extension to the existing sand quarry for the extraction of sand over a period of approximately 6 years.

## **9.0 Recommendation**

9.1 For the following reasons:

- i. The development is in accordance with 'saved' policies 4/1, 4/6a, 4/10, 4/13, 4/14, 4/18, 4/20 and 5/1 of the North Yorkshire Minerals Local Plan (1997), the policies of the Selby District Core Strategy Local Plan (2013), the 'saved' policies of the Selby District Local Plan (2005) and overall is consistent with the NPPF (2012);
- ii. The proposal does not conflict with the abovementioned policies as it is considered that the existing highway network is capable of handling the volume of traffic generated by the development, the visual impact of the proposed development can be mitigated through condition, the environmental impacts of the proposed development can be controlled by condition, the impact on neighbouring residential properties can be mitigated and adverse impacts are outweighed when considered against the existing infrastructure, markets and employment at the site along with the final completion of restoration proposals and there are no other material considerations indicating a refusal in the public interest; and
- iii. The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity the transport network and restoration and aftercare and

that, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

#### Commencement, Duration and Definition of Development

1. The permission hereby granted authorises the extraction of minerals only until (6 years from the date of grant of Planning Permission). The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with condition numbers 32, 33 and 34 before that date or within such longer period as may be approved in writing by the County Planning Authority.

Reason: To reserve the right of control by the County Planning Authority to ensure restoration of the land with the minimum of delay in the interests of amenity.

2. The development hereby permitted shall be carried out in accordance with the application details dated 24 June 2016 and the 'Approved Documents' as listed at the end of this Decision Notice together with the conditions attached to this Decision Notice which shall in all cases take precedence or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.

Reason: To ensure that the development is carried out in accordance with the application details.

#### Limitations to Development

3. No other minerals, waste or other material shall be stored within or imported to the site.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity.

#### Access

4. Access to the site shall be via the existing access and no other access shall be used. The access road from the site to the public highway shall be kept clean and in a safe condition. The access road shall be maintained in a good standard of repair, free of potholes for the life of the operations.

Reason: In the interests of highway safety, amenity and safeguarding the local environment.

#### Archaeology

5. No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the County Planning Authority. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.No development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

Reason: The site is of archaeological interest.

#### Traffic

6. All HGV's visiting/leaving the quarry shall do so via New Road and Broach Road (A645) to the south. All HGV's leaving the site will turn right.

Reason: In the interests of highway safety.

7. The total number of HGV vehicle movements associated with the mineral extraction shall not exceed 210 per week.

Reason: In the interests of highway safety and amenity.

#### Safety

8. Excavation of the quarry shall take place in accordance with details contained in drawing number DQL/H/02 to ensure sufficient standoff from the public highway and railway, any resulting embankment shall have a maximum gradient of 1 in 3 to the horizontal and shall be maintained in a stable condition. The stand off between excavations and the railway boundary shall be maintained at 30 metres and no overburden or soils shall be tipped or any buildings erected or haul road operated within 15 metres of the railway boundary. All plant and machinery must be so positioned and used to prevent the accidental entry onto railway property of such plant, machinery or loads attached thereto, in the event of failure.

Reason: In the interests of safety

#### Vehicle Cleaning Facilities

9. Within 3 months of the date of planning permission details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site shall be submitted to and approved in writing by the County Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be kept available and in full working order until such time as the County Planning Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

#### Hours of Operation

10. No quarrying or associated operations shall take place except between the following times 07.30-17.30 hours Monday to Friday, 07.30-13.00 hours Saturday and no machinery maintenance shall take place except between the hours of 07.30-17.00 Monday to Friday, 07.00 – 15.00 Saturday. Machinery maintenance carried out after 13:00 on a Saturday shall not be audible at the boundary of noise sensitive properties. No quarrying or associated operations, including machinery maintenance, shall take place on Sundays or Bank and Public Holidays.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity

#### Noise and Dust

11. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment which shall be regularly maintained. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse or white noise warning alarm systems shall be deployed.

Reason: In the interests of amenity

12. The equivalent continuous noise level due to operations at the quarry during day time hours (0700-1900) shall not exceed the background noise level (LA90) by more than 10dB(A) at any residential premises. Measurements shall be hourly LAeq measurements and be corrected for the effects of extraneous noise.

Reason: In the interests of amenity.

13. In the event that any noise levels specified in Condition 12 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps taken to attenuate the noise level to ensure compliance with the provisions of Condition 12.

Reason: In the interests of amenity.

14. Notwithstanding the noise limits imposed within Condition 12 a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) at any residential premises is permitted for up to 8 weeks in a calendar year to facilitate essential

site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

Reason: In the interests of amenity.

15. Within 3 months of the date of planning permission the site operator shall submit details of the scheme to control and monitor noise from the operations for approval in writing by the County Planning Authority in consultation with the District Environmental Health Officer. Thereafter the approved control measures shall be implemented and maintained in accordance with the approved scheme. The scheme should cover the following matters:
  - a) the necessity for equipment to have audible reversing sirens shall be investigated and where possible, in relation to health and safety consideration, be replaced with visual or white noise alarms.
  - b) mitigation measures as detailed in Chapter 9 of the ES submitted on the 28<sup>th</sup> June 2016.
16. The operator shall monitor noise levels due to operations at the quarry and background noise levels as requested in writing by the County Planning Authority and shall forward the details of the monitoring to the County Planning Authority within 14 working days of carrying out the monitoring.

Reason: In the interests of amenity.

17. Steps shall be taken to ensure that the site is operated at all times, and in particular during periods of high winds, to minimize dust emissions.

Reason: In the interests of amenity.

18. Within 3 months of the date of planning permission the site operator shall submit details of the scheme to control and monitor dust from the operations for approval in by the County Planning Authority in consultation with the District Environmental Health Officer. Thereafter the approved control measures shall be implemented and maintained in accordance with the approved scheme. The scheme should cover the following areas and should cover the whole of the site use from soil stripping to restoration:
  - a) vehicles leaving the site carrying materials <3mm to be sheeted.
  - b) on occasions when weather conditions are causing dust to be carried beyond the site boundary and mitigation measures cannot prevent this, operations giving rise to the dust generation shall cease. The operations shall not re-start until the weather conditions change or further mitigation measures can be taken to prevent dust emissions across the site boundary.
  - c) any overburden removed from the surface and stored on the site shall be protected from wind exposure until it has been exposed to water spray or rainfall and a crust has been formed.
  - d) the storage of sand on site.
  - e) mitigation measures as detailed in Chapter 11 of the ES submitted on the 28<sup>th</sup> June 2016.

Reason: In the interests of amenity.

19. In the event that an assessment of dust emissions in accordance with the details submitted under Condition No. 18 indicates that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the County Planning Authority. The measures subsequently approved in writing by the County Planning Authority shall be implemented within such period as may be required by the County Planning Authority.

Reason: In the interests of amenity.

#### Drainage and Pollution

20. Throughout the period of working, restoration and aftercare the operator shall:
- a) shall not impair the flow or render less effective drainage onto and from adjoining land,
  - b) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there shall be no pollution or other defined adverse effect on watercourses by the approved operations.

Reason: To prevent damage and pollution to ground water resources, watercourses and off-site drainage including that of agricultural land

21. Any facilities for the storage of oils, fuels, chemicals other potential pollutant shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund. The floor and walls of the bunded areas shall be impervious to both water and oil. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of watercourses, aquifers and the soil resource.

#### Site Maintenance

22. From the commencement of development until completion of aftercare, the operator shall make and maintain stock-proof the perimeter hedges, fences, and walls. Where the site boundary does not coincide with an existing hedge, fence or wall, the operator shall provide and maintain stock-proof fencing where necessary until completion of aftercare.

Reason: To protect the welfare of livestock kept within the permitted site and on adjoining agricultural land.

23. All undisturbed areas of the site and all topsoil, subsoil, soil making material and over burden mounds shall be kept free from agriculturally noxious weeds. Cutting, grazing or spraying shall be undertaken, as necessary, to control plant

growth and prevent the build-up of a seed bank of agricultural weeds or their dispersal onto adjoining land.

Reason: To prevent a build-up of weed seeds in the soil that are harmful to agriculture.

#### Buildings and Structures

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other order revoking and re-enacting that Order), prior to the erection of any plant or buildings at the site full details shall be submitted to the County Planning Authority for their written approval. No plant or buildings shall be erected except in accordance with details approved in writing by the County Planning Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity.

#### Depth of Working

25. No mineral extraction in any phase of the site shall take place until detailed groundwater level monitoring proposals for each phase of the site have been submitted to and approved in writing by the County Planning Authority. The detailed proposals shall include:

- a) details of the timescales and frequency over which monitoring shall take place;
- b) details of the location of monitoring wells and measures to protect the wells throughout the monitoring period;
- c) a programme for an update of the conceptual site model and risk assessment using data from the groundwater level monitoring;
- d) a methodology for establishing and agreeing interim working levels within each phase and the final basal quarry datum levels.

The groundwater level monitoring proposals shall be carried out in accordance with the approved scheme.

Reason: To increase the understanding of the groundwater regime of the site and to protect groundwater because the site is located on a principal aquifer and within a source protection zone.

26. Excavation shall be carried out in accordance with the working depths agreed under condition number 25.

Reason: To protect controlled waters.

27. An updated conceptual site model and risk assessment shall be submitted to and approved in writing by the County Planning Authority in accordance with the programme agreed under part (c) of condition number 25. Any necessary contingency measures arising from the monitoring and updated conceptual site model assessment, including those arising from any new receptors, any groundwater level changes and the identification of any pollution emanating from Hensall Quarry shall be implemented in full and maintained in accordance with the approved conceptual site model and risk assessment.

Reason: To protect controlled waters

28. Within 3 months of the date of planning permission the site operator shall submit a Construction Environmental Management Plan for the working and restoration phase for approval in writing by the County Planning Authority. The Construction Environmental Management Plan must set out written details of the measures for the management of surface water, including an assessment of the risks to controlled ground and surface waters and measures to mitigate such risks, including pollution incident control; and any other matters that the County Planning Authority reasonably requires. The measures set out in the Construction Environmental Management Plan for each phase must be implemented as approved.

Reason: To protect controlled waters. The plan should consider production of silty water, especially during wet weather. Care should be especially focused in areas next to excavations / sub surface ground works to avoid potential release of sediment fines to the water environment.

#### Protected Species

28. Trees and vegetation which may support nesting birds should not be removed during the bird nesting season, which is generally taken to be 1st March to 31st August.

Reason: in order to prevent disturbance to nesting birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

29. Prior to any felling of trees identified as having potential to support roosting bats the tree(s) must be checked for roosting bats by a suitably qualified ecologist. Where necessary, following this check, the trees shall be section felled with the timber left on the ground for a short period following the felling.

Reason: This is to ensure that bats have not moved into the trees in the interim period between survey and felling.

#### Advance planting

30. Advance planting as detailed on drawing number LL01 shall be carried out within the first planting season (November to March) following the date of planning permission and shall be protected and maintained throughout the duration of the operational period, and thereafter as part of restoration aftercare.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

#### Restoration – Final Landform

31. Within 18 months of the date of planning permission a restoration masterplan for the area covered by this planning permission and that area of land covered by planning permission reference C8/38/196A/PA shall be submitted for approval by the County Planning Authority: The masterplan shall detail the landform and details of mitigation and enhancement measures. Thereafter the Quarry which is the subject of both planning permissions shall be restored in accordance with the approved masterplan.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

#### Restoration – Planting and Seeding



32. The site shall be restored progressively and managed for agriculture and nature conservation purposes in accordance with the restoration masterplan which is the subject of condition number 32, and drawing number DQL/H/03. Planting as detailed on drawing number LL02 and the restoration masterplan shall be carried out in accordance with the schedule on the restoration masterplan. The planting shall be protected and maintained throughout the duration of the operational period, and thereafter as part of restoration aftercare.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

Restoration – Aftercare and Management of Planting

34. Within 3 months of the date of planning permission the following details shall be submitted for the written approval of the County Planning Authority:

- details of protective fencing and stand offs for existing and new planting;
- details of maintenance during the 5 year aftercare period, including, weed control, fertiliser applications, remedial pruning, replacements; and making good failures with the seeded areas.
- details of management post aftercare, covering a period of 5 years after the cessation of the aftercare period.

Thereafter planting and wildflower areas shall be managed and maintained in accordance with the approved scheme or in accordance with such other scheme as may be subsequently approved in writing by the County Planning Authority. Planting shall be protected against damage, failures shall be replaced during the subsequent planting season and planted areas managed in accordance with the rules and practice of good forestry during the period of this permission and thereafter for a period of five years from the completion of the development.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

General Conditions on Soils

35. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Chapter 15 of the ES submitted on the 28<sup>th</sup> June 2016 except as modified by this schedule of conditions.

Reason: To prevent loss or damage of soil, or mixing of topsoil with subsoil; or subsoil with overburden; or mixing of dissimilar soil types.

36. Topsoil and subsoils shall only be stripped when they are in a dry, friable and unfrozen condition.

Reason: To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and as such does not meet the defined criteria.

37. With the exception of soil stripping in order to create the initial excavation area following stripping all topsoils, subsoils and soil making materials shall where possible be utilized for restoration; where this is not reasonably practicable they should be stored.

Reason: Directed replacement of soil without storage is normally beneficial.

38. All topsoil and subsoil shall be permanently retained on site and used in restoration in accordance with ES submitted on the 28<sup>th</sup> June 2016.

Reason: To prevent loss of soil needed for restoration and offset shortfalls of soil by utilizing suitable geological material and to ensure the development.

39. No plant or vehicles shall cross any area of unstripped topsoil or subsoil, stored soil, respread soil or ripped ground except where such trafficking is essential and unavoidable for the purposes of undertaking permitted operations. At all times when topsoil or subsoil remain unstripped or respread on any working phase, the essential trafficking routes shall be marked in such a manner as to give effect to this condition.

Reason: To prevent unnecessary trafficking of soil by heavy equipment and vehicles as this may damage the soil

#### Soil Stripping

40. Topsoil and subsoil shall each be stripped separately to their full depth, taking care that they do not mix.

Reason: To prevent the loss of soil and minimize damage to soil structure during storage.

#### Storage of Soils

41. All topsoil and subsoil shall be stored in separate mounds which do not overlap. Such mounds:

- i. shall be located in the positions identified on drawings number DQL/H/02 and DQL/H/03;
- ii. shall not exceed 3m in height for topsoil;
- iii. shall be constructed with a minimum of soil compaction necessary to ensure stability and so shaped as to avoid collection of water in surface undulations;
- iv. shall have a minimum 3.0m stand-off which shall be undisturbed around storage mounds.

Reason: To prevent the loss of soil and minimize damage to soil structure during storage.

42. All storage mounds that will remain in situ for more than 3 months, or over winter, shall be seeded with a low maintenance wildflower mix and managed in accordance with a scheme to be submitted to, and approved by, the County Planning Authority before soil stripping and storage mound construction is due to commence.

Reason: To protect mounds from soil erosion, prevent build-up of weed seeds in the soil and remove vegetation prior to soil replacement.

43. Within 3 months of completion of soil handling operations in any calendar year, the County Planning Authority shall be supplied with a Soil Resource Plan showing:

- a) the area stripped of topsoil and subsoil;

- b) the current location of each soil storage mound (topsoil and subsoil identified separately); and
- c) the quantity, height, gradient and nature of material in each storage mound.

Reason: To facilitate soil stock-taking and monitoring of soil resources

#### Replacement of Soils

44. Restoration shall be carried out in accordance with drawing number DQL/H/03 or as may be subsequently varied by information submitted under condition 32 and overburden shall be replaced and leveled so that:

- a) after replacement of topsoil and subsoil and after settlement, the contours conform with those detailed on the restoration masterplan to be submitted in accordance with condition 32; and
- b) there is satisfactory site and surface drainage, the fields being free from ponding and capable of receiving an effective artificial under-drainage system; and
- c) agricultural machinery is not unduly restricted, erosion is minimized and gradient does not exceed 7 degrees.

Reason: To ensure adequate surface drainage and to enable an effective under-drainage scheme to be installed. Excessive slopes increase risk of soil erosion, and also hinder use of agricultural machinery.

45. Prior to respreading of subsoil or topsoil, the upper 500mm of the surface shall be where compacted, ripped at a spacing of 500mm or closer to remove materials capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling. Stones, materials and deleterious objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours. The County Planning Authority shall be notified when this condition has been fulfilled and given at least 2 working days to inspect the area before further restoration of this part is carried out.

Reason: To reinstate and treat overburden, soil making materials, subsoil and topsoil so as to provide 1.2 metres depth of material that is free from objects that will seriously impede cultivation, subsoiling or installation of underdrainage. Also to fissure compacted layers of soil so as to facilitate drainage and plant root growth.

46. Subsoil shall be:

- a) only spread onto ground upon completion of the works required by condition 45;
- b) spread in layers not exceeding 450mm in thickness, to a depth equal to that stripped, unless agreed otherwise in writing by the County Planning Authority.

Reason: To restore subsoil to the best potential condition.

47. Only low ground pressure machines should work on re-laid topsoil or subsoil to replace and level topsoil. Wherever practicable topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil.

Reason: To avoid compaction of the topsoil and upper subsoil.

48. Topsoil shall be carefully and evenly respread to a depth equal to that stripped.

Reason: Minimum depth specified to safeguard land quality.

49. The respread topsoil shall be rendered suitable for agricultural cultivation by ripping and loosening:

- a) to provide loosening equivalent to a single pass of a single tine spacing of 500mm or closer,
- b) to full depth of the topsoil plus 100mm,
- c) and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

Reason: To remove compaction and lift stone to the surface for removal.

50. The County Planning Authority shall be notified in writing within 2 days of completion of the works described in condition 49 and given an opportunity to inspect the completed works before the commencement of any cultivation operations.

Reason: To provide sufficient notice for site inspection.

51. Any area of the site which is affected by surface ponding or by local settlement caused by the approved operations shall be re-graded to resolve the problem, if required by the County Planning Authority. Topsoil, subsoil and other overburden moved in the course of re-grading shall not be mixed and shall be handled and replaced in accordance with the above conditions.

Reason: To deal with differential settlement when required.

#### Agricultural Aftercare

52. All areas delineated as Agricultural/Amenity Grassland on the restoration masterplan to be submitted in accordance with condition 32 shall undergo agricultural aftercare management for a 5 year period. The date for the aftercare period commencing in a phase shall be first agreed in writing with the County Planning Authority on completion of restoration in that phase.

Reason: To bring the land to the required standard for agricultural use.

53. Before the end of March and every subsequent year during the aftercare period the mineral operator shall provide the County Planning Authority, with a detailed annual programme, for written approval by the County Planning Authority this shall include;

- a) a record of aftercare operations carried out on the land during the previous 12 months;
- b) proposals for managing the land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilizing, draining, watering or otherwise treating the land for the forthcoming 12 months.

Reason: To bring the land to the required standard for agricultural use.

54. Before the end of April of every year during the aftercare period, unless the County Planning Authority agrees otherwise in writing, a site meeting shall be arranged by the mineral operator, to which the County Planning Authority should be invited, to discuss the restoration and aftercare of the site in accordance with the scheme submitted under Condition number 53. This meeting shall be attended by the person(s) responsible for undertaking the aftercare steps.

Reason: To allow inspection and appraisal of the site to ensure its rehabilitation to agriculture within the aftercare period, and to ensure that a suitable regime of agricultural husbandry is pursued. This will be achieved by assisting the soil structural development, preventing damage to soils and installing the infrastructure (eg. underdrainage) necessary to bring land to the required standard for agriculture.

55. Aftercare operations shall be carried out in accordance with the submitted aftercare scheme.

Reason: To ensure that a suitable regime of agricultural husbandry is pursued This will be achieved by assisting the soil structural development, preventing damage to soils and installing the infrastructure (eg. underdrainage) necessary to bring land to the required standard for agriculture

#### Abandonment

56. In the event of extraction of mineral ceasing on the site for a period in excess of 12 months before the completion of the development hereby permitted, a revised scheme of restoration and landscaping shall be submitted to the County Planning Authority for written approval within 6 months of the cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.

Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity

#### Annual Meeting

57. Every 12 months from the date of this permission or at such other times as may be agreed in writing with the County Planning Authority, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the schemes approved under Conditions 32 and 34 and a revised scheme shall be submitted to the County Planning Authority for approval providing for the taking of such steps as may be necessary to continue the satisfactory landscaping, working, restoration and aftercare of the site including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such works shall be carried out in accordance with the approved schemes.

Reason: To secure an orderly and progressive pattern of working of the site.

Record of Planning Permission

58. A copy of the planning permission and any agreed variations, together with all the approved plans, shall be kept available at the site office at all times.

Reason: To ensure that site personnel are aware of the terms of the planning permission.

Informatives

Network Rail

1. Lighting

The site operator should ensure that the lighting scheme at the site does not present a dazzle hazard to train crew, and also that any coloured lighting does not conflict with the railway signalling system. The lighting scheme for the site must be submitted to Network Rail for prior approval.

2. Restoration

Only inert spoil shall be used as the backfill material. In the event that biodegradable waste is imported to the site, Network Rail will hold the operator responsible for the escape of hazardous landfill gas or leachate which may affect railway operations or the safety of the public.

It would be preferable for deciduous trees and pines not to be planted close to the operational railway.

3. Liaison

Network Rail shall be notified of any significant alteration to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, and nature of any waste materials.

Coal Authority Standing Advice (to be inserted in Decision Notice)

Approved Documents

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
---	24/06/16	Application Form & Annex
---	04/06/2016	Environmental Statement and Appendices
---	May 2016	Planning Supporting Statement
DQL/H/01	June 2016	Site Location and Planning Application Boundary
DQL/H/02	June 2016	Phasing Plan
DQL/H/03	June 2016	Restoration Phasing
DQL/H/04	June 2016	Proposed Restoration Levels
FCC/H/Gen/DRH	13/12/16	Letter from Tireil Consulting (addendum to ES)
---	16/01/17	Email from Tireil Consulting
SHF.516.001.EC.R.003	07/10/16	Reptile Survey
SHF.516.001.EC.R.004	12/10/16	Bat Activity Survey produced by Enzygo Ltd.

SHF.516.001.EC.R.005	12/10/16	Tree Survey
TC01	12/12/16	Tree Constraints (Protection)
LL01	08/12/16	Landscape Plan Phase 1
LL02	08/12/16	Landscape Plan Phase 2
HQL-H-101	January 2017	Tree Retention Plan

**Statement of Compliance with Article 35(2) of the Town and Country Planning  
(Development Management Procedure) (England) Order 2015**

*In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.*

DAVID BOWE

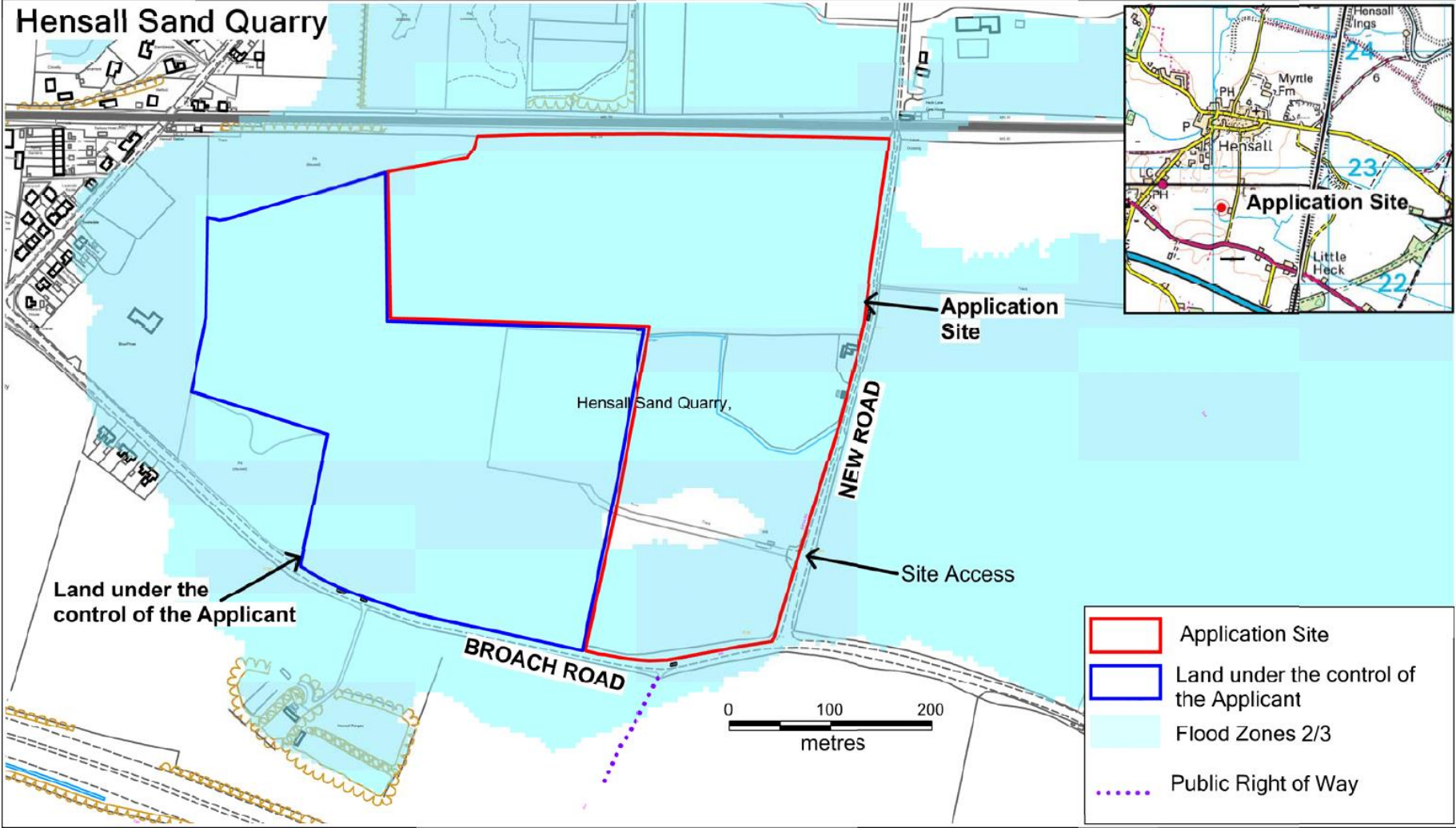
Corporate Director, Business and Environmental Services  
Trading Standards & Planning Services

Background Documents to this Report:

1. Planning Application Ref Number: C8/2016/0873/CPO (NY/2016/0118/ENV) registered as valid on 15 July 2016. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

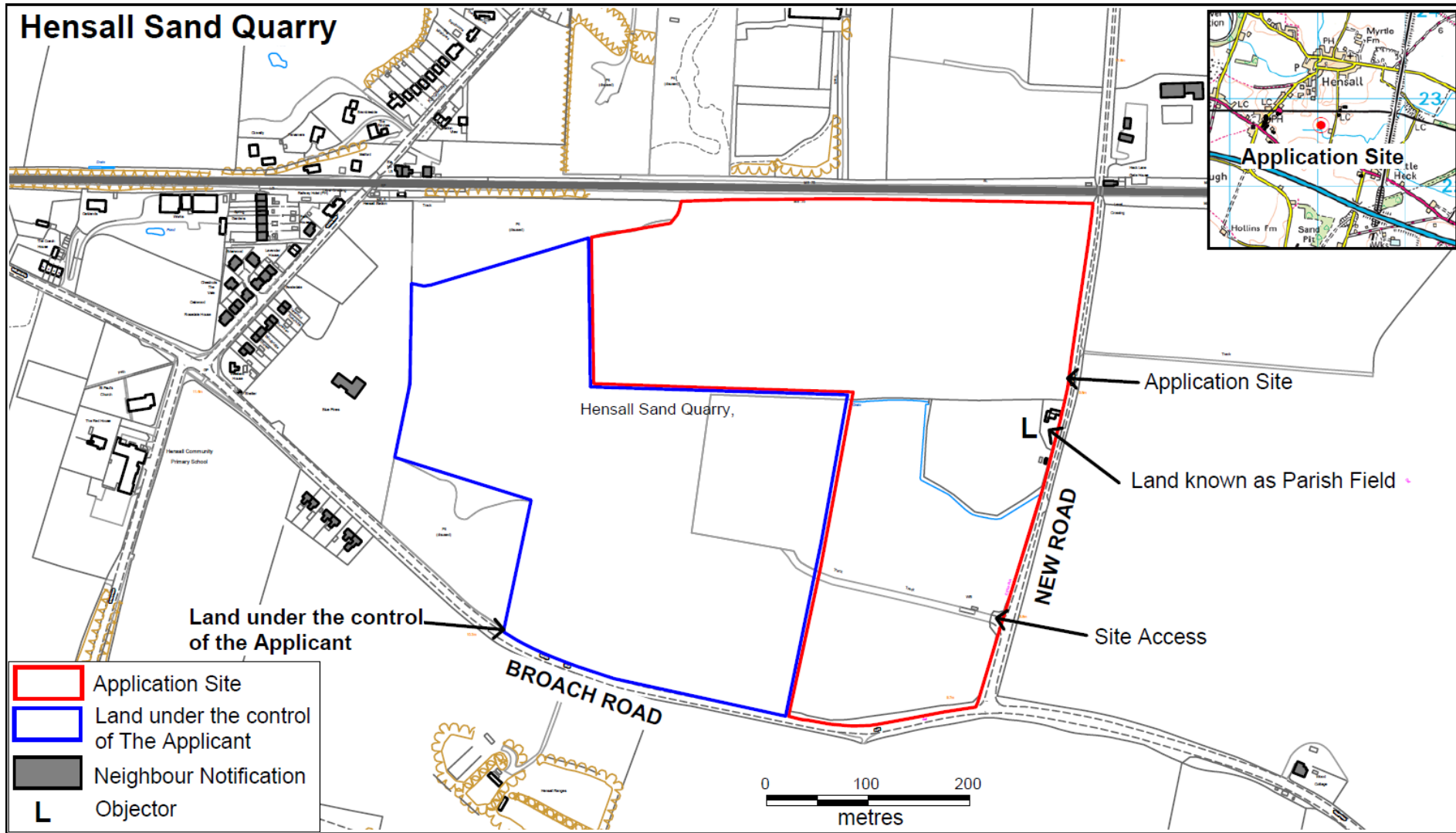
Author of report: Alan Goforth

Appendix A - Site Location and constraints

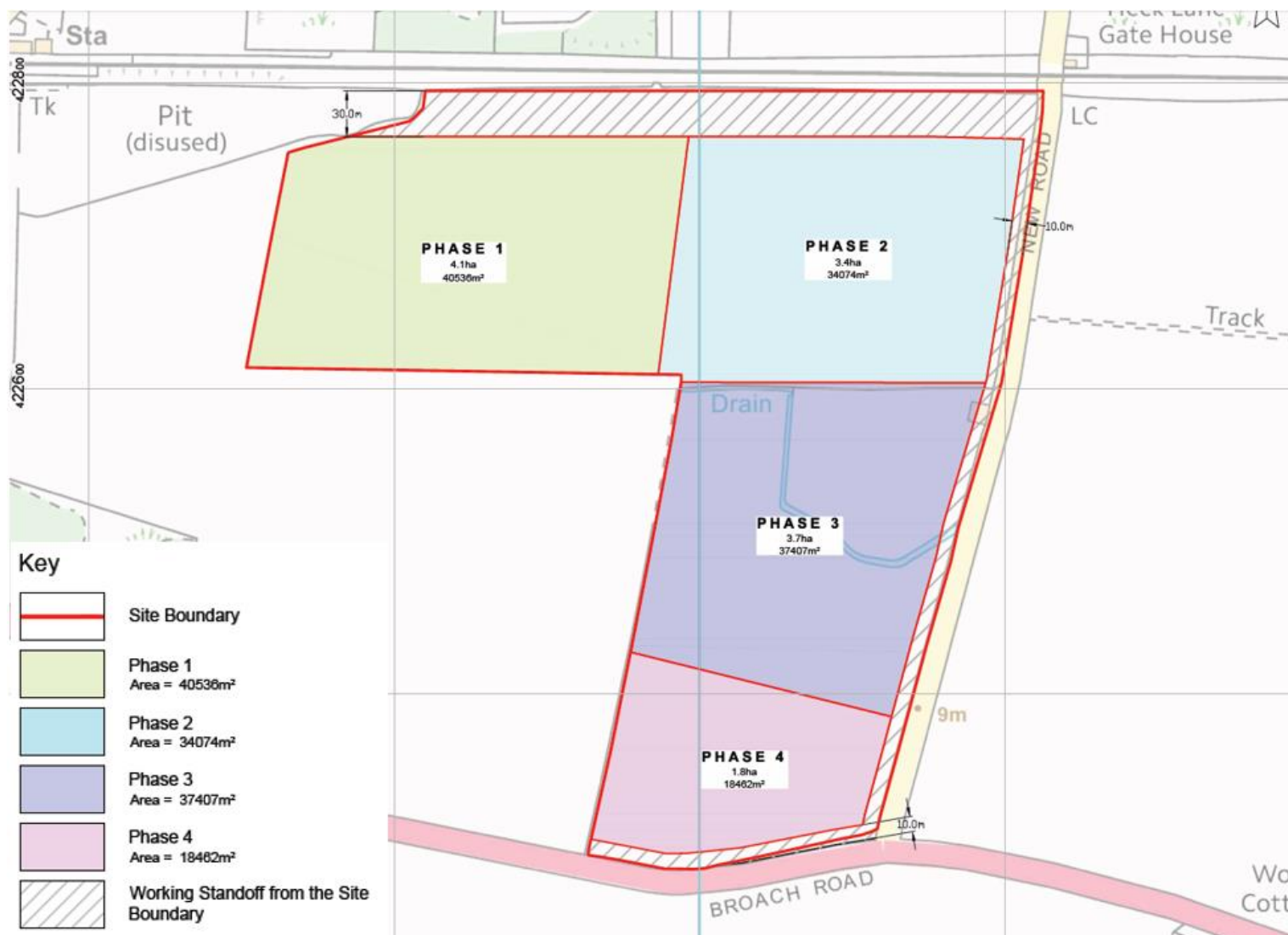




Appendix B - Site Location and representations



## Appendix C - Phasing Plan



## Appendix D - Restoration Phasing Plan



Appendix E - ALC Map



# Appendix F - Tree Retention Plan

