

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

4 April 2017

C1/16/00507/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO'S 1, 20, 23 & 52 OF PLANNING PERMISSION REF. C1/39/34G TO ALLOW THE CONTINUATION OF SAND AND GRAVEL EXTRACTION FOR A FURTHER 4 YEAR PERIOD UNTIL 31 DECEMBER 2020 WITH FINAL RESTORATION BY 31 DECEMBER 2021 AND REMOVAL OF THE PLANT SITE BY 31 DECEMBER 2022 AND AMENDMENTS TO THE PHASING AND DIRECTION OF WORKING AND A RECONFIGURED LAYOUT FOR THE CONVEYOR ON LAND AT SCORTON QUARRY, RICHMOND, NORTH YORKSHIRE ON BEHALF OF TARMAC LTD (RICHMONDSHIRE DISTRICT) (CATTERICK BRIDGE 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 the variation of condition No's 1, 20, 23 & 52 of planning permission ref. C1/39/34G to allow the continuation of sand and gravel extraction for a further 4 year period until 31 December 2020 with final restoration by 31 December 2021 and removal of the plant site by 31 December 2022 and amendments to the phasing and direction of working and a reconfigured layout for the conveyor on land at Scorton Quarry, Richmond, North Yorkshire on behalf of Tarmac Ltd.
- 1.2 This application is subject to 4 objections having been raised by members of the public and is, therefore, reported to this Committee for determination. The grounds for objection from the members of the public are detailed within paragraph 5.3 of this report.

2.0 Background

Site Description

- 2.1 The application site is Scorton Quarry, Scorton, Richmond, incorporating the former Tancred Quarry, Scorton. The area of the application site is 128 hectares. The permitted areas of sand and gravel extraction are located to both the north and south of the B6271 public highway, linking the villages of Scorton and Bolton-on-Swale with Brompton-on-Swale and Catterick. Historical workings have taken place to the north and south of the B6271 as part of Tancred Quarry, at the time operated by Tancred Gravel Ltd. At the same time, the operation of Scorton Quarry has solely been located to the north of the B6271 historically having been operated by Tilcon Ltd prior to Tarmac Ltd. The area of land to the north of the B6271 is located approximately 200 metres to the west of the village of Scorton and forms the larger parcel of land and this area has now all been extracted and restored (Phases 1-4) with the exception of the processing plant area. Extraction currently takes place south of the B6271 in phase 5. The quarry offices, plant site and weighbridge are all located in the northern part of the quarry and road traffic gains access to them from the quarry entrance off the B6271. The land to the south of the B6271 (Phases 5 & 6) lies approximately 250 metres south west of the village of Scorton and to the north west of the village of Bolton-on-Swale (250 metres away) and east of the River Swale.

- 2.2 The surrounding land uses in the vicinity of the application site are predominantly agricultural. However, the site is bordered in two areas to the west, firstly by Tancred landfill site (inert) operated by Yorwaste Ltd and secondly by the former Scorton landfill site previously operated by Yorwaste Ltd. Scorton cemetery is 175 metres east of the extraction boundary of Phase 6.
- 2.3 The nearest residential properties to the application site (Phases 5 & 6) are those located within the villages of Scorton and Bolton-on-Swale. Outside of these main residential areas, the nearest residential property to the site is 'Tancred Grange' located to the north of the B6271 and 130 metres north of the extraction limit in Phases 5 and 6. The extraction boundary of Phase 6 at its eastern extent is approximately 160 metres from the rear of residential properties on the western side of Bolton Road (West View, Heather Ridge, Arrochar, Field View, The Old Orchard, Derrydale, Lakedale, Olives View and Hengistbury).
- 2.4 The application site is affected by a number of planning constraints. Firstly, due to the size of the site, areas of the site are located in both Flood Zone 2 and Flood Zone 3. Phase 5 is within Flood Zone 2 and Phase 6 in Flood Zone 1. The site is also within the boundary of the Bedale and Upper Swale Internal Drainage Board Area (IDB). To the south of the site, adjacent to the application area (Phases 5 & 6) is the Swale Lakes Site of Special Scientific Interest (SSSI) part of Bolton on Swale Nature Reserve, whilst approximately 65 metres west and south-west of the site on the opposite bank of the river is the locally designated Catterick Gravel Pitts Site of Importance for Nature Conservation (SINC). The limit of extraction in Phase 6 would be 350 metres from the Scorton village Conservation Area and 200 metres from the Bolton on Swale village Conservation Area. However, no part of the site is within a 'sensitive area' as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 2.5 Across the site there are 6 public rights of way, 4 bridleways (no's 20.58/1, 20.58/3, 20.58/13 & 20.58/11) and two footpaths (no's 20.8/1 & 20.58/12). 'Wainwright's Coast to Coast' is a 294km long distance footpath connecting St Bees on the west coast with Robin Hood's Bay on the east coast. The 'Coast to Coast' Long Distance Footpath does not benefit from National Trail status but comprises Bridleway 20.58/1/1; Footpath 20.8/1/1; Bridleway 20.8/2/1; Footpath 20.8/3/2. It passes within close proximity to Phase 5 and 6 of Scorton Quarry.
- 2.6 A plan showing the application site is attached to this report at Appendix A and an aerial photo at Appendix C.

Planning History

- 2.7 The planning history of the application site is extensive due to the interlinking nature of both Scorton and Tancred Quarries in more recent years. Sand and gravel has been extracted from land at the site for many years under the grant of 13 planning permissions, between 1952 and 1997.
- 2.8 On 18 November 2002, planning permission C1/39/34E was granted for a consolidation of the earlier permissions into a single consent with associated revisions and extensions to the working area. Condition 51 of the permission limited mineral extraction only until 31 December 2016 with restoration by 31 December 2017. The permission is accompanied by a Section 106 Legal Agreement dated 18 November 2002 ("Original Agreement") which relates to long term aftercare management of the restored site (nature conservation and recreational use areas) for a period of 25 years after expiry of the final aftercare period (5 years) in the form of Tier 1 (for Phase 1) and Tier 2 (for Phases 2-6) Management Plans, cessation of mineral extraction in the old planning permission areas of Tancred Quarry, removal of the processing plant at Tancred Quarry and the establishment of a Local Community Liaison Group.

- 2.9 On 26 January 2004, planning permission C1/39/34G was granted to Tarmac Northern Ltd & Tancred Gravel Ltd, for the consolidation of existing permissions, revisions to working and restoration proposals and an extension of working with modification to conditions 1, 19, 20, 21 and 22 attached to planning permission C1/39/34E. The development principles established in the 2004 permission involved progressive working over six main phases, with restoration predominantly to water based recreation and nature conservation. Condition 52 of the permission limited mineral extraction only until 31 December 2016 with restoration by 31 December 2017. The permission is accompanied by a Section 106 legal agreement dated 23 January 2004 which secured the continuation, and revision as necessary, of the covenants contained within the Original Agreement attached to permission C1/39/34E dated 18 November 2002 (see above) and also covers the additional issues of diversion of the Coast to Coast public right of way, interim management of land adjoining the River Swale and details of bird management and control.
- 2.10 On 5 July 2007, planning permission C1/39/34L/CM was granted to Tarmac Ltd & Tancred Gravel Ltd, for a 7.6 hectare extension to the site, to be worked in two phases moving generally south to north. The mineral would be extracted using a hydraulic excavator and transported to the existing quarry processing plant, located approximately one kilometre to the west via a conveyor system. This permission granted the extraction of approximately 42,000 tonnes of sand and gravel from the site until the 30 April 2009. The permission was accompanied by a Section 106 legal agreement dated 3 April 2006 to safeguard the long term restoration and management of the land, the implementation of suitable bird control measures and the dedication of a new public right of way. The permission has now expired.
- 2.11 On 14 January 2016 the Authority issued a Scoping Opinion ref. NY/2015/0242/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.
- 2.12 The most recent Site Monitoring visit for the site was completed in January 2017. The report for that visit highlighted that there are no significant 'follow-up actions' or outstanding matters relating to planning permission C1/39/34G nor have there been any complaints received in relation to operations at the site.
- 2.13 On 15 March 2017 planning permission C1/16/00784/CM was granted under Section 73A of the Town and Country Planning Act 1990 for the variation of condition No. 3 of Planning Permission Ref. No. C1/39/34H(I)/CM which relates to the duration of development to allow for an extension of time of the aggregate bagging plant until 31 December 2022 on land at Scorton Quarry. The aggregate bagging plant is located immediately to the south of the Quarry plant processing area. This is a stand-alone permission with a red line boundary adjacent to the main Scorton Quarry permission boundary and the permission includes requirements for restoration to agricultural upon expiry of the permission.

3.0 The Proposal

- 3.1 Planning permission is sought for the variation of condition No's 1, 20, 23 & 52 of planning permission ref. C1/39/34G to allow the continuation of sand and gravel extraction for a further 4 year period until 31 December 2020 with final restoration by 31 December 2021 and removal of the plant site by 31 December 2022 and amendments to the phasing and direction of working and a reconfigured layout for the conveyor on land at Scorton Quarry, Richmond, North Yorkshire on behalf of Tarmac Ltd.

- 3.2 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 Impact, Ecology, Soils and Agriculture, Water Resources, Cultural Heritage, Noise, Air Quality Traffic and Cumulative Effects.
- 3.3 Condition 1 (Approved documents) of planning permission C1/39/34G currently reads:
'The development hereby permitted shall be carried out in accordance with the application details dated 10 January 2001 (as amended) (Ref C1/39/34E) and as further amended by the application dated 11 April 2003 (Ref C1/39/34G) and the following schedule of conditions which at all times shall take precedence or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority'.
- 3.4 It is proposed to amend Condition 1 to allow development in accordance with the details to be approved under this application.
- 3.5 Condition 20 (Method of working) of planning permission C1/39/34G currently reads:
'Mineral extraction shall proceed only in accordance with the phasing arrangements and direction of working indicated on the application drawings and as set out in the application details unless otherwise agreed in writing by the County Planning Authority'.
- 3.6 It is proposed to amend Condition 20 to allow phases 5 and 6 to be worked in different directions to that previously approved.
- 3.7 Condition 23 (Location of conveyor) of planning permission C1/39/34G currently reads:
'Except as provided for in the application details and unless otherwise agreed in writing by the County Planning Authority, no mineral shall be transported from the working face to the processing plant area except in accordance with the details set out in the planning application and accompanying information and in particular the routing of the conveyor system and the locations of the conveyor transfer points shall only be as set out in the application details'.
- 3.8 It is proposed to amend Condition 23 to allow for a reconfigured layout for the conveyor in Phases 5 and 6.
- 3.9 Condition 52 (End date of extraction) of planning permission C1/39/34G currently reads:
'Unless otherwise agreed in writing by the County Planning Authority the permission hereby granted authorises the extraction of minerals only until 31 December 2016. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site and the site restored in accordance with the application details and the requirements of this Decision Notice within 12 months of the cessation of mineral extraction or by 31 December 2017, whichever is the sooner'.
- 3.10 It is proposed to amend Condition 52 to extend the current permitted end date for mineral extraction from 31 December 2016 to 31 December 2020, with final restoration by 31 December 2021 and removal of the plant site by 31 December 2022.

Mineral Reserves

- 3.11 At the time of the submission of the planning application (June 2016) the remaining sand and gravel reserves within the quarry was calculated at approximately 1.8 million tonnes (approximately 1.2 million tonnes in phase 5 and 600,000 tonnes in phase 6). As of 1 January 2017 that has reduced to 1.3 million tonnes of permitted reserves which were not extracted before the expiry of the planning permission on 31 December 2016. The sand and gravel extracted from Scorton Quarry is used for the production of ready mixed concrete, pre-cast concrete products and other construction sector uses. The product is sold either directly from the stockpiles or from the bagging plant that operates next to the processing site. The applicant states that the permitted reserves were not fully extracted before the expiry of the permission because forecasted output from the quarry when the planning permission was originally granted exceeded actual output, primarily because of the drop in demand for quarry products during the recent recession.

Duration

- 3.12 The application proposes a 4 year extension to the life of the site for mineral extraction operations until 31 December 2020 with final restoration being completed by 31 December 2021 with the removal of the plant site by 31 December 2022.

Annual output

- 3.13 The 4 year extension of time assumes an output of 400,000 tonnes per annum. It is anticipated that this level of output will continue until the end of 2020.

Mineral extraction

- 3.14 The application does not seek to amend the limit of extraction or seek to extend or deepen the working beyond that previously approved, no additional mineral is sought to be permitted for extraction. In addition the output levels, working hours, site access and general infrastructure would remain unchanged. The application seeks to amend the date when quarrying is to cease and make minor amendments to the phasing, method and direction of working and a reconfigured layout for the conveyor.
- 3.15 The remaining phases 5 & 6 have previously been worked down to a level slightly above the water table then restored to an agricultural use. The current planning permission allows extraction below this level. Part of each phase was used for silt lagoons, which overlie the sand and gravel beneath but below the restored agricultural soils. Soil will be stripped and stored in temporary stockpiles for reuse in the restoration of each phase. The overlying silt will be removed and replaced into previous working areas under water. The sand and gravel can then be extracted using excavators, firstly dry above the water table and then from below the water using long reach excavators. There is no processing of mineral within the part of the application site south of the B6271.
- 3.16 The variation to the working methods would see the use of long reach excavators rather than a dredger, and a realigned conveyor belt (Condition 23). The phases will be worked in different directions to that previously permitted. The final restorations of these phases will be amended to take account of more modern practices, leaving two lakes.
- 3.17 As workings progress through each phase, some preliminary groundworks can be undertaken to achieve the contours and ground profiling necessary for the restored site, particularly along the lake edge. Once extraction is completed, and tipping of silt into the lake from the next area of workings is completed, the phase can be fully restored through the re-placement of the subsoils and top soils and the replanting of the lake edge margins and the surrounding pasture and woodland.

Phasing

- 3.18 The application confirms that the reserves are worked and restored in 6 phases (previously approved) as shown on the drawing attached to this report at Appendix D. Phase 4, the southern part of the quarry on the northern side of the B6271, has been restored, and part of it will remain in use as a silt lagoon until the end of extraction at the quarry at which time it will then be completely restored. Extraction currently takes place south of the road that intersects the quarry in phase 5. This field is bounded to the west and south by the River Swale. Extraction will then continue into the field to the east, phase 6 will be worked from the west to the east to allow screening of the quarry from the residential buildings located along its boundary on Bolton Road.
- 3.19 Phase 5 is shown on the phasing plan as sub divided into four areas and extraction has started in the south east corner (5A) and will be worked generally in an anti-clockwise direction. This is a minor variation from the direction shown on the current approved plan (Condition 20), due to the nature of the mineral and the location of the silt lagoons, matters which have since been clarified since the date of the original planning permission. The depth of extraction varies according to the base of the deposit, but will be approximately 10 metres below the water level.
- 3.20 The location of the conveyor is shown on the drawing attached to this report at Appendix D. It is located in the north west corner of phase 5. Prior to the start of extraction in phase 6, the conveyor will be moved to the north west corner of the new phase. This will be via an in-situ tunnel underneath the intervening minor road (Back Lane). As the conveyor point is generally an area of higher levels of activity a bund will be constructed immediately to the east of this point to assist in screening activity and associated disturbance for residents in the houses to the east of this phase.
- 3.21 This is an amendment to the conveyor arrangement from that approved under the existing permission (Condition 23) which showed a network of smaller conveyors extending into each phase. The applicant states that *“Modern mineral practice is generally to retain the conveyor loading point in one location for as long as possible, reducing the number of times that the conveyor needs to be extended. In addition, tipping into the hopper at the conveyor loading point is generally an activity that can generate noise impacts, and retaining one conveyor point in each phase as far to the west as possible away from the houses to the east of phase 6 presents an opportunity to further reduce disturbance to these neighbouring residents”*.
- 3.22 Phase 6 will then be worked in a similar manner to Phase 5, with stripping, silt relocation and long reach excavation with progressive restoration following the immediate area of extraction. It is anticipated that extraction in phase 5 will be finished in 2017, and phase 6 begun in 2018.

Transportation and traffic

- 3.23 All mineral extracted within phases 5 and 6 will be loaded onto dump trucks up to 30 tonnes in size which will then transport the mineral to a hopper at the end of the conveyor belt, from where the mineral is then transported under the B6271 to the existing processing plant in the northern part of the quarry. At the processing plant the material is screened and graded for storage in stockpiles of different sized material. HGV's are loaded from these stockpiles for onward distribution via the weighbridge.
- 3.24 The application confirms that there would be no changes to the volume, method and direction of traffic flows. There are currently approximately 75 HGVs entering the site each day (75 in, 75 out). The HGVs gain access to the site off the B6271 from the dedicated quarry access (existing). When leaving the site, most turn to the west to join the A1(M) at Brompton on Swale or Catterick. No material from phases 5 and 6, which are south of the B6271, will exit the site other than by the existing quarry entrance on the northern side of the B6271. The existing road entrance into phase 5

on southern side of the B6271 was originally the old plant site. However, this entrance will only be used for occasional mobile plant movement and servicing.

Hours of operation

- 3.25 The application proposes no changes to the hours of working that are permitted under the current permission ref C1/34/39G which are set out in conditions 15- 18 within the permission as follows:-

Condition 15: "Unless otherwise agreed in writing by the County Planning Authority no operations or development hereby permitted shall take place within the proposed fixed processing plant area except between the following hours: 0600 – 1900 Monday to Friday, 0600 – 1400 Saturday".

Condition 16: "Except as required by Condition 17 below, no mineral extraction or associated removal or replacement of soil or overburden shall take place except between the following hours: 0700 – 1800 Monday to Friday, 0700 – 1300 Saturday".

Condition 17: "Within that part of the Phase 6 working area identified on the Plan attached hereto no operations shall take place except between the following hours: 0800 – 1700 Monday to Friday, 0800 to 1300, Saturday".

Condition 18: "Notwithstanding the provisions of Conditions 15 and 16 and except for the area referred to in Condition 17 above, essential maintenance work only shall be permitted between the additional hours of 1300 – 1700 Saturdays and 0800 – 1700 hours on Sundays".

- 3.26 No operations would be undertaken on Bank or Public holidays.

Employment

- 3.27 The application details confirm that there would be no changes to existing employment arrangements and the quarry currently provides direct employment for 10 staff on site. A further 10 hauliers are contracted to deliver material from the quarry. Further staff are employed on an intermittent basis as required, such as electricians and fencing contractors.

Restoration and Aftercare management

- 3.28 The proposed restoration plan showing phases 5 & 6 is attached to this report at Appendix E with the anticipated timescales for completion shown at Appendix F. The site is to be restored to a mixture of conservation habitats, including grazed open parkland, lakes, marginal vegetation, wet woodland and neutral grassland. The restoration plan confirms the final shape of the lakes, the lake edge planting, the nature of habitat creation on the land surrounding the lakes and the provision of public footpaths. In addition it is proposed that existing hedgerows and woodland will be enhanced. The restoration design and implementation is guided by the Restoration and Aftercare Management Plan which incorporates a bird management plan which influences the size, shape and edge profiling of the remaining lakes.
- 3.29 The restored site will be subject to the statutory 5 year aftercare period after which the applicant has committed to longer term management of the site for a further 25 years by an appropriate body for nature conservation, public access and recreation. This was detailed in documents called the Tier 1 and Tier 2 management plans secured by Section 106 legal agreement (referred to in paragraphs 2.8 & 2.9 of this report) which are now incorporated into the Long Term Management Plan which has been updated to reflect the progress of restoration at the quarry. The applicant has provided draft heads of terms for a deed of variation of the existing Section 106 legal agreement to ensure relevant matters are carried forward with any permission granted.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to the initial consultation undertaken on 28 June 2016 and the subsequent re-consultation (on 30 September 2016) following the receipt of further/amended information comprising the covering letter from the Agent dated 7 September 2016; 'Vehicle-borne Debris Management Plan' dated September 2016; and 'Scheme for Tree Protection' dated September 2016. As required by the Regulations, notification of the Secretary of State (National Planning Casework Unit) of the planning application was undertaken on 22 June 2016.
- 4.1.1 **Richmondshire District Council (Planning)**- has not responded to the initial consultation or the reconsultation.
- 4.2 **Environmental Health Officer (Richmondshire)**- responded on 14 July 2016 with comments on noise and dust.
- 4.2.1 With regard to noise the EHO acknowledged that *“a noise impact assessment has been carried out and the noise predictions demonstrate that noise levels from the quarry are capable of complying with the current planning conditions contained within C1/39/34G. The report indicates that the continuation of the current planning conditions for noise would ensure that noise monitoring and mitigation for the site are effectively delivered. However, it is also concluded that the site is capable of operating in accordance with the new guidance contained in the PPG to the NPPF. It is therefore recommended that the current noise conditions are updated to reflect the PPG and the NPPF as follows:*
1. *During the hours of 0700 and 1900, the equivalent continuous noise level (LAeq,1h) due to site attributable noise from the quarry shall not exceed the background noise level (L90) by more than 10 dB(A) at any residential premises. In any event the total noise from operations shall not exceed 55 dB(A) LAeq.*
 2. *During the hours of 0600 and 0700, the equivalent continuous noise level (LAeq,1h) due to site attributable noise from the quarry shall not exceed 42 dB(A).*
 3. *Noise due to temporary operations for periods of up to eight weeks for the construction and removal of baffle mounds shall not exceed 70 dB(A) at any residential premises”.*
- 4.2.2 With regard to dust the EHO acknowledges that *“A new dust management plan has been submitted with the application, which includes monitoring and mitigation measures considered necessary in order to minimise dust impact particularly on those properties closest to Phase 6 on Bolton Road. This dust management plan should supersede that operated under the current planning permission”.*
- 4.2.3 The EHO has not responded to reconsultation on the further/amended information.
- 4.3 **Environment Agency**- initially responded on 8 July 2016 and stated no comments to make on the application. However in a further response dated on 23 August 2016 the EA stated that they were aware of concerns raised by NYCC (see 4.13 & 4.14) relating to management of the lakes on this site potentially leading to increased flood in the area. The EA therefore objected to the application until the issues were addressed. The EA stated that the applicant should revise their FRA/working methods to ensure that the concerns are mitigated for and that measures are put in place to both prevent siltation in Scorton Lake and to remove the build-up that has occurred.

- 4.3.1 On 12 January 2017, in response to reconsultation on the further/amended information and further to the clarification provided in a letter from the applicant dated 30 November 2016, the Environment Agency confirmed that they wish to remove the objection and have no further comment to make.
- 4.4 **Highways England-** responded on 19 July 2016 and confirmed no objections to the application stating *“Although any trips generated by the development site should all be considered as ‘new’ to the network (as under the existing permission, the trips would terminate in 2016 and therefore not be on the highway network between 2016 and 2020) given the levels of predicted trips, it is not considered that the trips generated by the proposals will pose any significant concern for Highways England. Based on the assumption that 75 HGV loads will frequent the site during a working day (which is predicated information from Tarmac and does not appear to be unreasonable) and given the low numbers of employees, even when the likely peak hour HGV movements are combined with staff vehicle trips, it is likely that the impact at the A1 Catterick junction will be significantly less than 30 two way peak hour trips. Such an impact would not be considered to be material and therefore further analysis of the development’s impact at the A1 Catterick junction should not be sought”.*
- 4.4.1 Highways England has not responded to reconsultation on the further/amended information.
- 4.5 **Natural England-** responded on 25 July 2016 and noted that the application site is in close proximity to Swale Lakes Site of Special Scientific Interest (SSSI). Natural England welcomes the ongoing restoration which is being carried out which will benefit bird species which are interest features of the SSSI, and are satisfied that the proposed variation, being carried out in strict accordance with the details as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England therefore advise that the SSSI does not represent a constraint in determining this application.
- 4.5.1 Natural England has not responded to reconsultation on the further/amended information.
- 4.6 **Swale & Ure Drainage Board-** responded on 28 June 2016 and confirmed no comments on the application.
- 4.6.1 Swale & Ure Drainage Board has not responded to reconsultation on the further/amended information.
- 4.7 **Ministry of Defence Safeguarding Organisation-** responded on 5 October 2016 and confirmed no safeguarding objections to this proposal.
- 4.7.1 The MoD has not responded to reconsultation on the further/amended information.
- 4.8 **Yorkshire Wildlife Trust (YWT)-** responded on 3 August 2016 and is happy with the level of survey contained within the application and observes that it does appear that there are complementary habitats on the different sites and by working together it will be possible for a high quality restoration of the quarry site to support the Swale Lakes SSSI and provide an exceptional area for wildlife in North Yorkshire.
- 4.8.1 The YWT agrees with the contents of the Long Term Management Plan which *“is very thorough and gives a clear idea of the type of restoration which is envisaged and how it will be put in place”.* The YWT welcome the commitment from Tarmac to secure the long term maintenance of the site for 25 years following the five year aftercare period, and that this will be delivered by a suitable Management Agency.

YWT recommend that the Planning Authority seek certainty in the appointment of a Management Agency before planning permission is approved and that this is secured through an appropriate Planning Obligation.

- 4.8.2 Yorkshire Wildlife Trust has not responded to reconsultation on the further/amended information.
- 4.9 **NYCC Heritage - Ecology-** responded on 19 July 2016 and confirmed that the level of ecological survey and assessment was satisfactory and that no further conditions or changes to existing conditions are required from an ecological perspective. The County Ecologist is supportive of the restoration proposals and made the below comments in relation to the Restoration and Aftercare Management Plan (Appendix 3.1 of ES) and the Long Term Management Plan (Appendix 3.2 of ES).
- 4.9.1 With regard to the Restoration and Aftercare Management Plan, which covers the period up to the end of the 5 year aftercare period, the County Ecologist is *“supportive of the restoration concept and the proposed management team approach which has worked well on the earlier phases of restoration, allowing opportunities for additional enhancement to be taken if/when they arise”*.
- 4.9.2 With regard to the Long Term Management Plan, which covers the management of the site for 25 years after the end of the 5 year aftercare period, the County Ecologist *“supports the approach to providing a strategic framework for the management objectives and a detailed plan for the first five years, leaving flexibility in the detail for the subsequent management periods which will be informed by ongoing monitoring, management feedback from the management agency and liaison with interested parties”*.
- 4.9.3 On 10 October 2016, in response to reconsultation on the further/amended information, the County Ecologist confirmed that the tree protection plan was acceptable from an ecological point of view and that there are no comments to make on the vehicle born debris plan.
- 4.10 **NYCC Heritage – Archaeology-** responded on 18 July 2016 and comments that *“The quarry is now well worked out and the majority is now restored. This means that most archaeological requirements have already been addressed in line with condition 43 of the consent for C1/39/34G. As part of the assessment, one area at the periphery of Area 6, was considered to have some archaeological potential for the preservation of a Neolithic cursus monument. This will be preserved in situ as works are not proposed in this area (para. 10.15.1). The developer proposes to disseminate the results of the archaeological work undertaken to date as part of the development (paras 10.16.1-10.16.2). This will include the publication of reports online and the erection of two interpretation panels at key points within the landscape. I fully support this. I am presuming that the earlier planning condition will remain active until it is fully discharged.”*
- 4.10.1 On 4 October 2016, in response to reconsultation on the further/amended information, the County Archaeologist confirmed no further comments to add to those provided on 18 July 2016.
- 4.11 **NYCC Heritage - Principal Landscape Architect-** responded on 18 July 2016 and acknowledges that some properties along Bolton Road to the south west of Scorton would have open direct views of the quarry during Phase 6 extraction while some properties to the north west of Bolton on Swale would have partial views of Phase 6 works. However the effects on individual residential properties within 2 km of the site are stated in Appendix 6.3 to be ‘imperceptible’. The Principal Landscape Architect confirmed that the findings of the Landscape and Visual Impact Assessment are satisfactory.

- 4.11.1 With regard to the Restoration and Aftercare Management Plan states that the proposals do not sufficiently address the protection and management of existing trees to be retained and the Principal Landscape Architect would like further information on tree protection and management during this time.
- 4.11.2 With regard to the Long Term Management Plan, the Principal Landscape Architect notes that it has not been changed other than updating of drawing references. The general approach to management at Scorton Quarry has been successful to date and the Principal Landscape Architect is happy for it to be continued.
- 4.11.3 With regard to landscape and biodiversity enhancement the Principal Landscape Architect states that consideration could be given to a programme of propagation and reinstatement Wych Elm in the landscape as part of the planting proposals.
- 4.11.4 In September 2016 the applicant submitted a Scheme for the Protection of Trees within Phases 4, 5 & 6 which formed part of the further/amended information.
- 4.11.5 On 25 October 2016, in response to reconsultation on the further/amended information, the Principal Landscape Architect stated that she was not entirely happy with the Tree Protection Plan. The Principal Landscape Architect requested more detail on tree root protection areas and that there should be no trafficking or machinery or deep cultivation or drainage works within root protection areas. The Principal Landscape Architect also requested information on frequency of monitoring.
- 4.11.6 An updated version of the Scheme for the Protection of Trees within Phases 4, 5 & 6 (operational) which includes results of a tree survey undertaken in December 2016 was submitted by the applicant in January 2017. The applicant also confirmed that they would consider the potential to implement Wych Elm on site. The document was forwarded to the Principal Landscape Architect and on 7 March 2017 the Principal Landscape Architect confirmed that the revised proposals for protection during the operational period are acceptable, and it is recommended that compliance is a condition of planning permission.
- 4.12 **NYCC Arboricultural Officer-** has not responded to the initial consultation or the reconsultation.
- 4.13 **NYCC Waste Management-** responded on 23 August 2016 and highlighted that as part of their operations, Tarmac Ltd have been extracting water from, and discharging water into Scorton Lake for many years. Over time this discharge has caused the deposition of sediment in the lake. The amount of sediment, currently present in the lake, as a result of quarrying operations under the current planning permission, has severely reduced the capacity of Scorton Lake.
- 4.13.1 The response states that *“historically, North Yorkshire County Council has pumped out Scorton Lake to mitigate the flood risk of the surrounding area. The activities of Lafarge Tarmac, increasing the sediment being deposited within the Lakes, reduces the capacity of the lake, which in turns makes it very difficult for North Yorkshire County Council to manage the level of the lake and stop the land in the local area from becoming flooded”*.
- 4.13.2 The response states that there would be an increased flood risk in this area due to the ever-reducing capacity of Scorton Lake if the proposed development is permitted without further consideration.

- 4.13.3 The response states that if the proposed development is granted permission, and Scorton Lake is continued to be used in this way, the sediment will continue to build, consequently increasing the flood risk to the local area. On this basis, it is considered reasonable for Tarmac Ltd to take on the responsibility for managing the water levels of Scorton Lake (land which is in their ownership) so as to manage to flood risk in this area.
- 4.13.4 On 7 March 2017, in response to clarification provided in a letter from the applicant dated 30 November 2016, NYCC Waste Management confirmed that in light of the responses from the NYCC SuDS Officer and the Environment Agency NYCC Waste Management have no further comment to make.
- 4.14 **NYCC SuDS & Development Control Officer-** responded on 16 August 2016 with comments on surface water management.
- 4.14.1 The SuDS & Development Control Officer notes that in the Flood Risk Assessment it is proposed that surface water will continue to infiltrate into the ground which is considered satisfactory.
- 4.14.2 The SuDS & Development Control Officer states that he is aware that operations have resulted in a large build-up of silt in Scorton Lake, significantly reducing flood water storage in this area of Flood Zone 3. The SuDS & Development Control Officer states that there is no detail of any discharge into Scorton Lake and as such it is unclear how a significant amount of silt is deposited in the lake or how this can be controlled. The SuDS & Development Control Officer stated that the development should not increase flood risk off site and confirmed a holding objection until information is provided which addresses how continued operations can be ensured to result in no loss of flood storage, and to the satisfaction of the Environment Agency who are statutory consultee for development proposals in Flood Zones 2 and 3.
- 4.14.3 On 12 October 2016, in response to reconsultation on the further/amended information, the SuDS & Development Control Officer notes that the covering letter from the Agent dated 7 September 2016 outlines current practice for the treatment of silt arisings. The SuDS & Development Control Officer acknowledged that the applicant has confirmed that no further silt will be pumped into Scorton Lake which is considered satisfactory in itself however it also states that some silt will continue to be dried out in the existing settlement lagoon. The SuDS & Development Control Officer acknowledges that the applicant states that this lagoon has an excess runoff pipe into the adjoining Scorton Lake for when the settlement lagoon is full, which suggests that silt will still be discharged to Scorton Lake, and in particular during any out of the ordinary or extreme rainfall or operational event. This must be addressed. The SuDS & Development Control Officer notes that the Environment Agency require measures to be put in place to remove the build-up of silt that has occurred in Scorton Lake, with which the SuDS & Development Control Officer would agree, and this has not been addressed.
- 4.14.4 On 3 January 2017, in response to clarification provided in a letter from the applicant dated 30 November 2016, the SuDS & Development Control Officer acknowledges that the deposition of silt into Scorton Lake will cease and also, that the pipe into Scorton lake that can transfer silt in to the lake will be blocked. In light of this the SuDS & Development Control Officer withdrew the holding objection and recommended that any planning approval prohibits by means of condition any discharge of silt into Scorton Lake. With respect to the loss of flood storage in Flood Zone 3 caused by quarry operations that have resulted in a build-up of silt in Scorton Lake, the SuDS & Development Control Officer defers to the comments of the Environment Agency.

- 4.15 **Highway Authority-** responded on 1 July 2016 and confirmed that the existing visibility at the access complies with their design standards. The LHA requested the inclusion of conditions to restrict access to only via the existing access onto the B6271 and precautions to prevent the deposit of mud on the public highway.
- 4.15.1 On 6 March 2017 the Highway Authority confirmed the acceptability of the 'Vehicle-borne Debris Management Plan'.
- 4.16 **NYCC Public Rights of Way Team-** has not responded to the initial consultation or the reconsultation.
- 4.17 **Scorton Parish Council-** responded on 18 July 2016 and confirmed that they do not wish to comment on the application.
- 4.17.1 On 27 October 2016, in response to reconsultation on the further/amended information, Scorton Parish Council confirmed no objections.
- 4.18 **Brompton on Swale Parish Council-** responded on 12 July 2016 and confirmed that have no objections or comments to make.
- 4.18.1 Brompton on Swale Parish Council has not responded to reconsultation on the further/amended information.

Notifications

- 4.19 **County Cllr. Carl Les-** was notified by letter on 28 June 2016.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of six Site Notices posted on 6 July 2016 (responses to which expired on 27 July 2016). The Site Notices were posted in the following locations: at the site entrance to the quarry (1), at the entrance to the current area of working (1), in the village of Brompton on Swale (1), in the village of Scorton (2) and to the north-east of the quarry (1). A Press Notice appeared in the North Yorkshire Advertiser on 12 July 2016 (responses to which expired on 26 July 2016).
- 5.2 A total of 85 Neighbour Notification letters were sent on 5 July 2016 and the period in which to make representations expired on 26 July 2016. The following properties received a neighbour notification letter:

1. COATES GARAGE BROMPTON ROAD, SCORTON
2. FIELD VIEW, BOLTON ROAD, SCORTON
3. OLIVES VIEW 2, BOLTON ROAD, SCORTON
4. HENGISTBURY, BOLTON ROAD, SCORTON
5. HEATHER RIDGE, BOLTON ROAD, SCORTON
6. ARROCHAR, BOLTON ROAD, SCORTON
7. LAKEDALE, BOLTON ROAD, SCORTON
8. DERRYDALE, BOLTON ROAD, SCORTON
9. WEST VIEW, BOLTON ROAD, SCORTON
10. THE OLD ORCHARD, BOLTON ROAD, SCORTON
11. TANCRED GRANGE, BROMPTON ROAD, SCORTON
12. 16, WESTFIELDS, SCORTON
13. 9A 9, THE ARCHERS GREEN, SCORTON
14. 14, WESTFIELDS, SCORTON
15. 19, WESTFIELDS, SCORTON
16. LYNDAL, HIGH ROW, SCORTON
17. 9, THE ARCHERS GREEN, SCORTON
18. 11, THE ARCHERS GREEN, SCORTON

19. THE SYCAMORES, BANKS LANE, SCORTON
20. 5, THE ARCHERS GREEN, SCORTON
21. SPRINGFIELD HOUSE, BANKS LANE, SCORTON
22. 1, THE ARCHERS GREEN, SCORTON
23. 4, WESTFIELDS, SCORTON
24. 12, THE ARCHERS GREEN, SCORTON
25. 10, WESTFIELDS, SCORTON
26. GREENHOLM, BANKS LANE, SCORTON
27. 6, WESTFIELDS, SCORTON
28. 17, WESTFIELDS, SCORTON
29. COURT HOUSE COTTAGE, HIGH ROW, SCORTON
30. THE COTTAGE, HIGH ROW, SCORTON
31. 7, THE ARCHERS GREEN, SCORTON
32. 23, WESTFIELDS, SCORTON
33. 2, HIGH ROW, SCORTON
34. ST. CLARES VIEW, HIGH ROW, SCORTON
35. 9, WESTFIELDS, SCORTON
36. 5, WESTFIELDS, SCORTON
37. 6, THE ARCHERS GREEN, SCORTON
38. 1, WESTFIELDS, SCORTON
39. 18, WESTFIELDS, SCORTON
40. 2, WESTFIELDS, SCORTON
41. 4, THE ARCHERS GREEN, SCORTON
42. 8, WESTFIELDS, SCORTON
43. 4, HIGH ROW, SCORTON
44. 3, THE ARCHERS GREEN, SCORTON
45. 8, THE ARCHERS GREEN, SCORTON
46. 20, WESTFIELDS, SCORTON
47. HOME FARM, BANKS LANE, SCORTON
48. THE OLD COURT HOUSE, HIGH ROW, SCORTON
49. WINDY RIDGE, HIGH ROW, SCORTON
50. 15, WESTFIELDS, SCORTON
51. HOLMLANDS, HIGH ROW, SCORTON
52. 7, WESTFIELDS, SCORTON
53. 2, THE ARCHERS GREEN, SCORTON
54. MOUNT SLOWLY, BANKS LANE, SCORTON
55. 10, THE ARCHERS GREEN, SCORTON
56. END HOUSE, HIGH ROW, SCORTON
57. LIME TREE HOUSE, BANKS LANE, SCORTON
58. 21, WESTFIELDS, SCORTON
59. BROADMEAD HOUSE, HIGH ROW, SCORTON
60. 22, WESTFIELDS, SCORTON
61. 5, HIGH ROW, SCORTON
62. WESTFIELD HOUSE, BANKS LANE, SCORTON
63. 7, HIGH ROW, SCORTON
64. 3, HIGH ROW, SCORTON
65. 12, WESTFIELDS, SCORTON
66. THE HEIFER HIGH ROW, SCORTON
67. 6, HIGH ROW, SCORTON
68. THE STABLES, BANKS LANE, SCORTON
69. COATES COTTAGE, HIGH ROW, SCORTON
70. 3, WESTFIELDS, SCORTON
71. 11, WESTFIELDS, SCORTON
72. MAPLE HOUSE, STATION ROAD, SCORTON
73. ELMFIELD HALL, STATION ROAD, SCORTON
74. WOODLANDS, STATION ROAD, SCORTON
75. ROSE VILLA, STATION ROAD, SCORTON
76. FIVE TREES, STATION ROAD, SCORTON

77. HOLMLANDS, STATION ROAD, SCORTON
78. GRANGE FARM, SCORTON
79. DEEPPDALE, SCORTON ROAD, BROMPTON ON SWALE
80. ROSEY HILL COTTAGE, SCORTON ROAD, BROMPTON ON SWALE
81. ROSEY HILL FARM, SCORTON ROAD, BROMPTON ON SWALE
82. HOLLOW BANKS, SCORTON ROAD, BROMPTON ON SWALE
83. DERE COTTAGE, SCORTON ROAD, BROMPTON ON SWALE
84. DERE HOUSE, SCORTON ROAD, BROMPTON ON SWALE
85. MOUSE COTTAGE, SCORTON ROAD, BROMPTON ON SWALE

5.3 A total of 4 representations raising objections to the proposed development were received following the initial consultation period/ neighbour notification in July 2016. The locations of the objectors (all on the west side of Bolton Road, Scorton adjacent to Phase 6) are shown on the plan attached to this report at Appendix B. The reasons for the objections are summarised and quoted below in no particular order: -

- Adverse visual impact, noise and loss of privacy created by extraction, restoration and recreational (water based activities and fishing) after use in phase 6. Phase 6 after use should be land based activities only.
- Concern about intention to commercialise Phase 6 of restored site (recreational/water sports) and the expressed ideal of restoring Phase 6 to a nature conservation and quiet amenity area will not be met.
- The proposed non-motorised recreational activities indicate it would be developed into a *“mini Ellerton Lake commercial facility with associated services such as car parks, toilets, changing rooms, shower blocks, sail boat compounds, facilities for training etc”*. (n.b. not a material planning consideration)
- Waters sports and fishing should be confined to other phases of the development as the restoration of Phase 6 will destroy existing quiet and peaceful amenity.
- Effect of dust/grit on property and health and request for dust monitor to be relocated to a point more central to the properties on the west side of Bolton Road- in line with fence dividing ‘Derrydale’ and ‘the Old Orchard’ properties.
- The hours of work in the week from 7am until 5pm and 8am until 1pm on a Saturday do not allow for residents to have extra rest in bed either on a day off work, holiday from work or when sick or ill. This again will impact considerably on the standard of life, health and wellbeing of the residents on Bolton Road.
- Hedge at rear of properties on west side of Bolton Road needs cutting as the view is restricted and hedge should be maintained at the agreed height.
- The operator needs to install rabbit proof fencing at rear of properties on west side of Bolton Road.
- Since planning application C1/39/34G was agreed in 2010 three new properties have been built and one majorly redeveloped on Bolton Road and have been for sale since early autumn 2015- effect of extraction on property prices and sales on Bolton Road (n.b. not a material planning consideration).
- Requests for compensation for damage to property arising from extraction and dust/grit (n.b. not a material planning consideration).

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 comprising the covering letter from the Agent dated 7 September 2016; 'Vehicle-borne Debris Management Plan' dated September 2016; and 'Scheme for Tree Protection' dated September 2016 the County Planning Authority re-publicised the application by way of six Site Notices posted 4 October 2016 (responses to which expired on 25 October 2016) and a Press Notice which appeared in the North Yorkshire Advertiser on 11 October 2016 (responses to which expired on 1

November 2016). In addition on 30 September 2016 those neighbours previously notified and those members of the public who had made representations on the planning application were notified of the receipt of further/amended information. No further representations were received.

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, minimising impacts on biodiversity, preventing development from contributing to or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
- 6.10 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”.*
- 6.11 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.

- 6.12 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”.*
- 6.13 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”.*
- 6.14 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”.*

- 6.15 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”*
- 6.16 Paragraphs 203- 206 of the NPPF relate to ‘Planning conditions and obligations’. Paragraph 203 states that “*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*”. With regard to planning obligations paragraph 204 states that “*Planning obligations should only be sought where they meet all of the following tests:*
- *necessary to make the development acceptable in planning terms;*
 - *directly related to the development; and*
 - *fairly and reasonably related in scale and kind to the development”.*

National Planning Practice Guidance (NPPG) (2014)

- 6.17 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”.*
- **Planning obligations**
The guidance states that *“Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind”.*
- **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

- 6.18 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.
- 6.19 The Development Plan for the determination of this particular application comprises the following:
- The ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997); and
 - The extant policies of the Richmondshire Local Plan Core Strategy (2014).

- 6.20 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 may be 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).
- 6.21 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. Draft policy M07 (Meeting concreting sand and gravel requirements) states that requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites and areas identified in the Joint Plan for working. Phases 5 and 6 at Scorton Quarry are not identified as Preferred Areas or within the Areas of Search. It is noted that in the supporting text for draft policy M07 Scorton Quarry is listed as one of the sites (Northwards Distribution) with permitted reserves of concreting sand and gravel as at 30 June 2016. Therefore Scorton Quarry's contribution to supply and maintaining the landbank is recognised.
- 6.22 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.
- 6.23 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.
- 6.24 Therefore, relevant policies within the NPPF have been set out above and the relevant 'saved' policies within the North Yorkshire Minerals Local Plan (1997) are outlined below and the level of compliance with the NPPF is considered. This exercise is not applicable to the policies contained within the more recently adopted Richmondshire Local Plan Core Strategy (2014) 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

- 6.25 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.
- 6.26 The 'saved' policies relevant to the determination of this application are set out below:
- 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 4/15 – Public Rights of Way
 - Policy 4/20 – Aftercare
 - Policy 5/1 – Sand & Gravel Landbanks
- 6.27 ‘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”.*
- 6.28 The NPPF does not mention the matters raised in points a), b), c), d).
- 6.29 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).
- 6.30 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.
- 6.31 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.
- 6.32 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.
- 6.33 ‘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.
- 6.34 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.

- 6.35 '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.
- 6.36 '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.
- 6.37 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.
- 6.38 '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.
- 6.39 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.
- 6.40 'Saved' Policy 4/15 entitled 'Public Rights of Way' states that where proposals would interrupt, obstruct or conflict with use of a public right of way development will only be permitted where satisfactory provision has been made in the application for protecting the existing right of way or for providing alternative arrangements both during and after working.
- 6.41 The NPPF states that planning policies should protect and enhance public rights of way and access. It is considered that 'saved' Policy 4/15 is therefore consistent with the NPPF and should be afforded full weight in the determination of this application.
- 6.42 '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.
- 6.43 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.
- 6.44 '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.”

- 6.45 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.

Richmondshire Local Plan Core Strategy (2014)

- 6.46 The policies considered relevant to the determination of this application are:
- Core Policy CP1 – ‘Planning Positively’;
 - Core Policy CP3 – ‘Achieving Sustainable Development’;
 - Core Policy CP4 – ‘Supporting Sites for Development’;
 - Core Policy CP7 – ‘Promoting a Sustainable Economy’;
 - Core Policy CP12 – ‘Conserving and Enhancing Environmental and Historic Assets’; and
 - Core Policy CP13 – ‘Promoting High Quality Design’.
- 6.47 Core Policy CP1 advises that *‘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 plan area. Planning applications that accord with the policies in this 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 at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*
- i. any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole; or*
 - ii. specific policies in that Framework indicate that development should be restricted’.*
- 6.48 Core Policy CP3 states that *“Support will be given for sustainable development which promotes (those relevant):*
- a. the efficient use of land and infrastructure including developments with a sustainable and complementary mix of uses;*
 - b. the conservation of scarce resources and reduction of their use, and encouragement of the use and re-use of sustainable resources;*
 - c. the health, economic and social well-being, amenity and safety of the population;*
 - e. the quality of natural resources including water, air, land and biodiversity and minimises the impacts of airborne pollution;*
 - f. the protection of the best and most versatile agricultural land;*
 - g. the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought;*
 - h. the vitality of the area;*
 - i. a high quality and adaptability of development;*
 - j. the character and quality of local landscapes and the wider countryside;*
 - k. the distinctiveness, character, townscape and setting of settlements; and*
 - l. the historic, environmental and cultural features of acknowledged importance”.*

- 6.49 Core Policy CP4, advises that “Development or activities of a scale and nature appropriate to secure the sustainability of each settlement in the hierarchy defined in Spatial Principle SP2 and elsewhere through Spatial Principle SP3 will be supported taking account of the following:
3. Development should be consistent with the requirements of Core Policies, and should not:
 - a. impact adversely on the character of the settlement or its setting, important open spaces and views; designated and undesignated heritage assets and the character of the landscape;
 - b. lead to the loss of, or adverse impact on, or cause deterioration of important nature conservation, water bodies or biodiversity or geodiversity sites;
 - c. result in the unacceptable loss of locally important open spaces or community facilities;
 - d. be located in areas of flood risk or contribute to flood risk elsewhere;
 - e. cause significant adverse impact on amenity or highway safety”.
- 6.50 Core Policy CP7, in part advises that “support will be given to (those relevant):
- a. the development of employment activities that diversify the current offer in Richmondshire, and in particular those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the resident population; and
 - b. development which promotes the sustainable growth of the key economic sectors within the area, particularly agriculture, food, military, retail, tourism, leisure and equine enterprises”.
- 6.51 Core Policy CP12, in part advises that “Development or other initiatives will be supported where they conserve and enhance the significance of the plan area’s natural and man-made, designation or undesignated assets. Development will not be supported which:
- a. has a detrimental impact upon the significance of a natural or man-made asset;
 - b. is inconsistent with the principles of an asset’s proper management.

Environmental Assets

Where avoidance of adverse impacts is not possible, necessary mitigation must be provided to address any potential harmful implications of development. Where adequate mitigation measures are not possible, compensatory measures will be required. This approach will apply to specific assets as follows (those relevant):

- b. *the landscape character of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural and historic environment;*
- c. *the biodiversity and geodiversity of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural environment*
- d. *the green infrastructure network of the plan area will be protected and, where appropriate, enhanced to provide a high quality, accessible, diverse and well-connected network of green space to meet the needs of the community, businesses and visitors. The key green infrastructure network includes (those relevant):*
 - vii *woodlands, scrubland, grassland, wetland, running water, wasteland, open land and parks and gardens, river banks, cycle ways and the Public Rights of Way network.*

Historic Assets

1. *Those elements which contribute to the significance of the heritage assets across the Plan area will be conserved and, where appropriate, enhanced. Particular attention will be paid to those assets referred to in Paragraph 4.12.16 which make a particularly important contribution to the character and sense of place of Richmondshire.*
 2. *Where a proposal is likely to result in harm to the significance of a designated heritage asset and there are compelling reasons for allowing that development, opportunities will be sought to offset this harm by ensuring that other elements which contribute to the significance of that particular asset are enhanced or their significance better revealed.*
 3. *Consideration of development proposals will also need to take into account the objective of securing the long term existence of the heritage asset. This is particularly the case for those assets which have been identified as being at risk. Enabling development may be considered acceptable in the particular location (site or buildings), where all other alternatives have been explored, and the development or use proposed is the only practical means of securing the future conservation of a heritage asset”.*
- 6.52 Core Policy CP13 advises that *“High quality design of both buildings and landscaping is a priority in all development proposals. Support will be given for proposals that:*
- a. *provide a visually attractive, functional, accessible and low maintenance development;*
 - b. *respect and enhance the local context and its special qualities, including its design features, landscape, social activities, historic environment and nationally and locally recognised designations;*
 - c. *optimise the potential of the site;*
 - d. *minimise the use of scarce resources;*
 - e. *adopt sustainable construction principles;*
 - f. *facilitate access through sustainable forms of transport;*
 - g. *secure improvements to public spaces and incorporate public art, where appropriate.”*

7.0 Planning considerations

- 7.1 Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.
- 7.2 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 of the variation of the conditions upon local amenity (noise and air quality), highways and public access, landscape and visual impact, cultural heritage and archaeology, ecology, flood risk and the water environment and soils, restoration and aftercare.

Principle of development

- 7.3 The acceptability of the extraction of sand and gravel from the land at Scorton Quarry (incorporating the former Tancred Quarry) has been established by a number of historical planning permissions and most recently by the grant of planning permissions in 2004 and 2007. Therefore the principle of the development has been previously established and it is a highly material planning consideration that there is permission for mineral extraction and processing operations at the application site, which has been implemented. Therefore, Members are advised that it would be inappropriate to revisit the principle of the entire development or the acceptability of the locational aspects of the quarry.
- 7.4 Members are advised to focus their attention on national, development plan policies and guidance or other material considerations that may have changed significantly since the previous grant of permission, as well as the changes sought. National Planning Policy is set out in the National Planning Policy Framework (NPPF, 2012), replacing all of the Planning Policy Statements (PPS), Planning Policy Guidance Notes (PPG), Minerals Policy Statements (MPS) and Minerals Planning Guidance (MPG) notes. This includes the cancellation of MPS1 (Planning and Minerals 2006); MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction in England – Annexe 1 Dust and Annexe 2 Noise 2005); and MPG7 (Reclamation of Mineral Workings 1996). However, whilst these documents have been replaced, there is general consistency of approach via the advice on noise, dust and restoration set out in online National Planning Practice Guidance (NPPG) on Minerals (March 2014) which accompanies the NPPF and replaces the original NPPF Technical Guidance. There has thus been no material change to technical national policy advice relating to mineral extraction beyond it being redrafted and re-presented in a different format.
- 7.5 There are objections which refer to a material change in circumstances since permission was granted and state that the residential layout of Scorton village has changed with the addition of three new houses on the western side of Bolton Road adjacent to Phase 6 (referred to in paragraph 2.3 of this report). The houses stand approximately 160m from the extraction boundary when working moves into phase 6. In approving such developments the District Council should have had regard to the presence of the nearby established quarry which benefitted from an extant planning permission allowing mineral extraction and restoration. The potential impacts on the amenity of these residential properties will be considered later within this section of the report.
- 7.6 This planning application made under Section 73 of the Town and Country Planning Act 1990 seeks consent for mineral extraction to continue for a further 4 years than previously consented (until 31 December 2020) to allow the extraction of the remaining reserves (estimated at approximately 1.3 million tonnes as of 1 January 2017). The applicant has confirmed that the permitted reserves were not fully extracted before the expiry of the permission (on 31 December 2016) because forecasted output from the quarry when the planning permission was originally granted exceeded actual output, primarily because of the drop in demand for quarry products during the recent recession. This proposal would enable the quarry operator to progress sand and gravel extraction for the production of ready mixed concrete, pre-cast concrete products and other construction sector uses as market conditions improve whilst also ensuring the completion of the final restoration scheme for the whole site. There are no proposals to increase the overall footprint of the site or extract additional reserves beyond that which has been previously consented.

- 7.7 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.
- 7.8 The draft Draft policy M07 (Meeting concreting sand and gravel requirements) of the MWJLP states that requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites and areas identified in the Joint Plan for working. Phases 5 and 6 at Scorton Quarry are not identified as Preferred Areas or within the Areas of Search. In the supporting text for draft policy M07 Scorton Quarry is listed as one of the sites (Northwards Distribution) with permitted reserves of concreting sand and gravel as at 30 June 2016. Therefore Scorton Quarry’s contribution to supply and maintaining the landbank is noted. The reserves at the quarry in phases 5 and 6 are already permitted and in the landbank so account will have been taken of their significance to the steady and adequate supply of minerals in the County required by the draft plan.
- 7.9 The proposed development would avoid the sterilisation of mineral reserves and make use of existing infrastructure in place at the quarry before it is removed and the land fully restored. The proposed extension of time would avoid causing a negative impact on local employment and a negative impact on the supply of sand and gravel from a site with a long history as a quarry. The proposed continuation of mineral extraction within the permitted limits of an established quarry would reduce the requirement for new quarry sites to be developed in more “sensitive areas” to meet requirements for sand and gravel. The alternative is that the quarry is closed and infrastructure removed before the permitted deposit has been fully worked which would sterilise a valuable mineral resource (1.3m tonnes of unworked reserves as of 1 January 2017) and may not result in a high quality final restoration scheme.
- 7.10 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 continuation of quarrying at Scorton would make towards a sufficient supply of sand and gravel 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 CP7 of the Richmondshire Local Plan Core Strategy (2014) 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 continuation of mineral extraction need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.

Local amenity (noise)

- 7.11 The Environmental Statement (ES) contains an assessment of the potential noise impact (Chapter 11) at noise sensitive locations as a result of the continued operation of Scorton Quarry. It is noted that objections have made reference to concerns about noise disturbance arising from the continuation of operations in phases 5 & 6.
- 7.12 The noise survey was undertaken at five individual residential properties and on nearby public footpaths in the vicinity of the quarry. It is acknowledged that noise impacts will become more sensitive as the quarry progresses into phase 6 nearer to the residential properties on the western side of Bolton Road. However the ES demonstrates that the quarry will be able to continue to operate within the controls of the noise limits set by the existing planning conditions and relevant government guidance.

- 7.13 The operational layout, location of the processing plant (within northern part of quarry), route of internal haul roads and location of screening bunds and fences have been designed to offer maximum protection from potential impacts, and to protect the amenity at nearby residential receptors. There will be no processing permitted in the quarry south of the B6271 in phases 5 & 6 (see Condition 12). Further mitigation measures to reduce noise impact include placing the conveyor hopper point as far to the west as possible in phase 6 away from the houses on Bolton Road and reducing the hours of operation for extraction in this phase (as currently arranged under the existing planning permission- see Condition 17). In addition the proposals do not include any increases in the extraction rates or changes to working practices beyond the use of the long arm excavator. Furthermore HGVs access the site only via the existing access north of the B6271 (see Condition 19) and in doing so pass only a very limited number of residential properties due to the distance from the villages and movements would only be during reasonable working hours.
- 7.14 The updated noise conditions (see Conditions 3-7) take account of the PPG in respect of noise and have been drafted with the input from the District EHO. In addition the hours of working are defined by condition and would not extend beyond those previously permitted. It should be noted that Condition 17 reduces the hours of working in Phase 6 to a later start (08:00) and earlier finish (17:00) due to the proximity to Bolton Road residents. Noise from the quarry is monitored four times each year and this will continue during the remainder of its operation and secured by planning condition number 3. The requirement for all plant, machinery and vehicles used to be fitted with effective noise attenuating equipment which shall be regularly maintained shall be carried forward and where earth mobile plant is operating within Phase 6 non audible reverse warning alarm systems shall be deployed (see Condition 8).
- 7.15 Whilst the proposals would involve undertaking quarrying activity nearer to residential properties it should be noted that the continued workings would take place over a relatively short period, with total activity in phases 5 and 6 to completion of restoration occurring within a 3-4 year period. Relatively restricted hours are proposed to be worked to help minimise the potential impact and will continue to be the subject of conditions if planning permission is granted. In the absence of any objection from the Richmondshire Environmental Health Officer and subject to appropriate control and monitoring of noise, with a requirement for implementation of additional mitigation measures if necessary, it is not considered that any unacceptable impact due to noise would arise.
- 7.16 With regard to concerns raised about noise disturbance arising from the after use of the restored site it should be noted that the Long Term Management Plan dated May 2016 at section 2.1.4 states that phase 6 *"is to be restored to nature conservation and quiet amenity. The aim of the management plan is to facilitate the development of an ecologically diverse range of habitats while incorporating sensitively designed facilities for quiet recreation such as walking, jogging, fishing, horse-riding, cycling and similar non-motorised recreational activities"*. The Long Term Management Plan will continue to be secured through a legal agreement should permission be granted.
- 7.17 In light of the above it is considered that predicted noise levels arising from the development would remain within acceptable limits as defined in national planning guidance and 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) and policy CP3(c) of the Richmondshire Local Plan Core Strategy (2014).

Local amenity (air quality)

- 7.18 The applicant has provided an air quality assessment within Chapter 12 of the ES. The assessment considers the site and surrounding area and existing air quality and the effect of meteorological conditions. It is noted that objections have made reference to concerns about air quality impacts arising from the continuation of operations in phases 5 and 6. The assessment also identifies the potential sources of dust and considers the emission magnitude and evaluates risk. It also sets out the proposed prevention and control mitigation measures.
- 7.19 The assessment highlights that for most of the time the extraction taking place in phase 5 and 6 will be underwater so the likelihood of generating dust is extremely limited. It is noted that dust can be generated from the movement of the minerals around the site and from earthworks operations, such as soil stripping and restoration. In terms of processing this will continue to be restricted to only taking place within the plant area in the northern part of the quarry (see Condition 12) which is away from residential properties.
- 7.20 It is proposed that a dust management plan (Condition 10) will outline the location and frequency of monitoring and the mitigation methods to be employed to reduce fugitive dust if it occurs. This includes, among other measures, the monitoring of dust using standard gauges, the method for dealing with dust complaints and the suspension of activities should dust control measures are insufficient at particularly windy times. Dust is currently monitored at the quarry and will continue to be monitored for the remainder of its working life. New dust monitoring locations are proposed nearer to the residential properties on Bolton Road and Scorton village as the point of extraction advances towards them. In response to a specific request from one of the objectors (see paragraph 5.3) the applicant has confirmed that they agree to the additional dust gauge.
- 7.21 With regard to the impacts on local air quality from traffic emissions it is noted that the application does not propose an increase in HGV traffic above the existing level and the traffic generated is not considered to be significant in terms of the air quality impact.
- 7.22 It is considered that the mitigation measures are appropriate and effective and it is recommended that Conditions 10-12 which relate to dust control are carried forward with any grant of planning permission. The potential for dust generating sources have been recognised and assessed and there have been no objections raised by the District EHO. It is considered that the dust can be sufficiently 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) and policy CP3(c&e) of the Richmondshire Local Plan Core Strategy (2014).

Highways matters

- 7.23 The ES includes an assessment (Chapter 13) of the impact of continued quarrying on various transport matters, including traffic flows on the B6271, impacts on public transport, cyclists and walkers, accident levels and the condition of the road.
- 7.24 The application confirms that there would be no changes to the volume, method and direction of traffic flows. There are currently approximately 75 HGVs entering the site each day (75 in, 75 out). While there is no condition in the existing planning permission that limits the number of HGV movements to and from the site, it is not proposed to increase HGV movements over current levels and the levels that the site saw prior to the recession. The HGVs gain access to the site off the B6271 from the dedicated quarry access (existing). When leaving the site, most turn to the west to join the A1(M) at Brompton on Swale or Catterick. No material from phases 5 and 6, which are south of the B6271, will exit the site other than by the existing quarry entrance on the northern side of the B6271. The existing road entrance into phase 5

on southern side of the B6271 was originally the old plant site. However, this entrance will only be used for occasional mobile plant movement and servicing.

- 7.25 The Local Highway Authority and Highways England have confirmed no objections to the proposal and there are no objections from the Parish Councils or local residents on highways grounds. The existing conditions which restrict HGV access to only via the existing access; require the access road to be kept clean and in a good condition; and the implementation of precautions to ensure HGVs leaving the site do not deposit mud or debris on the public highway ('Vehicle-borne debris management plan') shall be carried forward with any grant of planning permission (see Conditions 19 and 24-26).
- 7.26 This application would not lead to a material increase in traffic generation over that previously considered acceptable. The planning permission relating to the quarry combines operational controls and mitigation measures in order to ensure that the quarry operations are acceptable in terms of highways and transport and, where relevant, it is proposed to carry those controls forward with any grant of planning permission. 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 policy CP4(e) of the Richmondshire Local Plan Core Strategy (2014).

Public Access

- 7.27 There are several Public Rights of Way within the vicinity of the site and the 'Coast to Coast' Long Distance Footpath. The limit of extraction is unchanged from that previously approved and there would be no significant impacts to the Public Right of Way network as a result of the proposed extension of time and minor alterations to the direction of working reconfigured layout for the conveyor. The conveyor would run via an in-situ tunnel underneath the intervening minor road (Back Lane) so would not have a physical impact upon the existing public rights of ways which shall be protected and kept clear of any obstruction. The phasing shown on the drawing attached to this report at Appendix D indicates that the 'Coast to Coast' Long Distance Footpath has been diverted around Phases 5 and 6.
- 7.28 Progressive restoration of the quarry allows for phases to be restored as they are work thereby minimising the duration of disturbance and allowing for public recreational use of the restored areas in the shortest possible timeframe. The proposed restoration includes the provision of public footpaths around phases 5 & 6 as shown on the drawing attached to this report at Appendix E. The restored landscape of Phase 6 would comprise a lake with lake edge planting, open grazing, scrub and woodland, and a public bridleway along the west side of the lake. This would provide a valuable recreational landscape to the local area and have a beneficial effect on users of the 'Coast to Coast' footpath.
- 7.29 In light of the above, it is considered that the potential for conflict is limited and would not give rise to any unacceptable adverse impacts upon users of public rights of way in the area and complies with the NPPF and 'saved' policy 4/15 of the NYMLP (1997) and policies CP3(c), CP4(e) and CP12 of the Richmondshire Local Plan Core Strategy (2014).

Landscape and visual impact

- 7.30 Chapter 6 of the ES assessed the landscape and visual implications of the proposal on the wider landscape and surrounding residential properties and assessed that there will in general be no significant adverse effects from continued operation of the quarry.

- 7.31 The quarry is not situated within or close to nationally designated landscape, and the landscape and visual impact assessment (LVIA) has not identified any significant effects or cumulative effects on the local countryside as a result of future working of phases 5 and 6. The physical changes to landscape character result from the disturbance of the agricultural land and progressing of workings into phase 6. It is acknowledged that due to the existing topography, and the presence of existing vegetation between the application boundary and the nearest residential properties, any significant views of the workings in phase 6 are only likely to be available from upper floor windows. Phase 6 will be worked from the west to the east to allow screening of the quarry from the residential buildings located along its boundary on Bolton Road. During excavation temporary soil bunds will be constructed around the main hopper point on the conveyor to reduce visual and noise impact for residents of the properties on the eastern boundary. Furthermore there will be no material processing in phases 5 and 6.
- 7.32 In the longer term, the restoration proposals would involve the replacement of the existing agricultural land with a modified, lower level landform containing a lake with marginal planting. This would result in a permanent change to the local landscape but this is as per the restoration proposals previously approved, which involves the creation of a number of water bodies and associated amenity and nature conservation areas. In the longer term, this should also enhance the network of public access available generally within the restored quarry area.
- 7.33 Phase 5 has a relatively short operational period of approximately two years, and is relatively visually contained by virtue of surrounding higher landforms and boundary vegetation. The workings in phase 6 will be more open to view particular for residents on the west side of Bolton Road and for users of the Coast to Coast footpath. For these, the impact is assessed as “slight adverse”. However, the impact will be temporary during the extraction phase only and the resulting restoration of the site is considered to have significant beneficial impacts on the landscape character of this local area.
- 7.34 There are no objections from the County Principal Landscape Architect and overall, there are no significant landscape or visual effects predicted as a result of the continued operation of the site for a further 4 years. In terms of policy compliance, it is considered that the proposed screening could 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’ policy 4/1(d) of the NYMLP (1997) and policies CP3(j), CP4(a) and CP12 of the Richmondshire Local Plan Core Strategy (2014).

Cultural Heritage and Archaeology

- 7.35 This is assessed within Chapter 10 of the ES. There are no designated heritage assets within the application site. The boundary of two Conservation Areas are approximately 200 metres to the east of the quarry. In light of the intervening land, topography, bunds and planting it is considered that the continuation of mineral extraction would not have an adverse impact upon the setting of these heritage assets.
- 7.36 With regard to archaeology the two remaining phases of quarrying (phases 5 & 6) have already been stripped of their soils and subject to quarrying in the past and therefore it is unlikely that there will be any remaining archaeology in these areas. However, it is acknowledged that there is the possibility archaeological remains could be found in the edges of the extraction area, including in the soil slope to between the road and the extraction areas, possibly related to the Scorton Cursus (ditches) which lay to the north. Previously undiscovered archaeological remains could survive on the peripheral areas of Area 5 and a full assessment of the impact on these is included

and mitigation measures, including appropriate recording and preservation, or preservation in situ is proposed.

- 7.37 The County Archaeologist has confirmed that there are no objections to the extension of time, subject to the applicant undertaking archaeological recording as secured by a condition (Condition 39) included on any permission granted. 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 heritage assets within the NPPF and in compliance with policies CP3, CP4 and CP12 of the Richmondshire Local Plan Core Strategy (2014).

Ecology

- 7.38 The ecological impact assessment in the ES (Chapter 7) demonstrates that continued quarrying can be undertaken without a likely significant effect on local ecology, protected species and designated sites. With appropriate mitigation and restoration measures, the assessment shows that residual effects (those continuing after extraction has ceased) will be at worst “minor to negligible significance”. The Swale Lakes SSSI to the south of phase 5 will experience a negligible impact from continued operation of the quarry. Natural England have advised that the SSSI does not represent a constraint in determining this application.
- 7.39 Significant beneficial outcomes are anticipated through the delivery on restoration of new habitats, including lakes, native species woodland planting, managed grazing land and scrub planting. The restoration scheme is assessed as likely to improve habitat value for key species including badgers, birds, butterflies and reptiles. Longer term management of the created or protected habitats is set out in the long after management plan (25 years) secured by a legal agreement which provides detailed information on the appropriate care for these habitats and for their long term management well beyond the operational life of the quarry.
- 7.40 The County Ecologist and Yorkshire Wildlife Trust are supportive of the proposals and the nature conservation restoration forms part of a Section 106 legal agreement, which provides for an aftercare management plan beyond the statutory 5 year period. It is considered that the development would safeguard sites of nature conservation interest and protected species and in the longer term restoration 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) and policies CP4(b) and CP12 of the Richmondshire Local Plan Core Strategy (2014).

Flood risk and the water environment

- 7.41 Scorton Quarry is located on the floodplain of the River Swale which lies 50 metres to the west of phase 5 and the ES (Chapter 9) has assessed the potential impact on the water resources within the surrounding area. ‘Saved’ policy 4/10 of the NYMLP (1997) states that mineral extraction will only be permitted where it would not have an unacceptable impact on surface or groundwater resources.
- 7.42 The application is accompanied by a Flood Risk Assessment which concludes that the risk of flooding is considered low. The site, the nearest residential properties and the surrounding road network all lie several metres above the height of the river and no change is proposed to the height of the banks of the river to result in an increase in flood potential in this area.
- 7.43 Although it is proposed to extract mineral from below the water table, it is not proposed to de-water the workings by pumping. Instead, mineral would be extracted directly from beneath the water table using a hydraulic excavator as is the case with the current workings (all phases being worked wet). The development should not therefore directly affect groundwater levels in the vicinity of the site. As the quarry

involves extraction of only superficial sand and gravel deposits, no discernible impact is forecast on the integrity of the underlying aquifers in the Sandstone, Magnesian limestone, Millstone Grit and Carboniferous limestone beds beneath.

- 7.44 Surface water at the quarry collects in the existing lakes and will continue to do so when the two new lakes in the remaining phases 5 and 6 are created. These lakes would have a considerable surface area and can accommodate relatively large fluctuations in surface water flow without significant difference to their average water levels. Water also collects in Scorton Lake to the north of the plant site (outside of the planning application boundary) where discharge is controlled via pumps into a drain leading to the River Swale. Water needed for processing the mineral is also taken from this lake and no changes are proposed as part of this application.
- 7.45 There have been concerns raised about the discharge of water into Scorton Lake causing the deposition of sediment in the lake and a reduction in capacity which may in turn increase flood risk in the area. Scorton Lake is outside of the application boundary but nevertheless on 30 November 2016 the applicant confirmed that the deposition of silt into Scorton Lake will cease and also that the pipe into Scorton Lake that can transfer silt in to the lake will be blocked. This will be secured by Condition 47. The silt will be diverted to be used in the restoration of the lakes and landform in phases 2 and 4.
- 7.46 The characteristics of the local water environment are such that the effects of continued mineral extraction and associated water management are considered to be acceptable. The existing condition which relates to ground and surface water monitoring would be carried forward on any grant of planning permission (see Condition 2). The Environment Agency and the NYCC SUDs Officer have no objections to the application and it is considered that it would not give rise to any unacceptable adverse impacts upon the water environment and complies with the NPPF and 'saved' policy 4/10 of the NYMLP (1997) and policy CP3(e&g) and CP4(d) of the Richmondshire Local Plan Core Strategy (2014).

Soils, Restoration and Aftercare

- 7.47 The majority of the remaining area to be extracted has already been worked as a quarry and the soils replaced. The soils within phases 5 and 6 will have to be stripped and either stored for replacement once quarrying has finished or used to help create the edges of the resulting two lakes. Of the total remaining area to be worked only 2 hectares of good agricultural land will be lost, the remainder being of poorer quality agricultural ranking.
- 7.48 There will be a continuation of good practice in terms of the handling of soils during stripping and their storage prior to restoration at the end of extraction to ensure their long term integrity and viability for future habitat creation in the restoration scheme. This will continue to be secured by planning condition (see Condition 23). No additional soils are required to be imported.
- 7.49 The proposed restoration plan showing phases 5 & 6 is attached to this report at Appendix E with the anticipated timescales for completion shown at Appendix F. The site is to be restored to a mixture of conservation habitats, including grazed open parkland, lakes, marginal vegetation, wet woodland and neutral grassland. The restoration plan confirms the final shape of the lakes, the lake edge planting, the nature of habitat creation on the land surrounding the lakes and the provision of public footpaths. In addition it is proposed that existing hedgerows and woodland will be enhanced. The restoration design and implementation is guided by the Restoration and Aftercare Management Plan which incorporates a bird management plan which influences the size, shape and edge profiling of the remaining lakes.

- 7.50 The restored site will be subject to the statutory 5 year aftercare period after which the applicant has committed to longer term management of the site for a further 25 years by an appropriate body for nature conservation, public access and recreation. This was detailed in the Tier 1 and Tier 2 management plans secured by Section 106 legal agreement (referred to in paragraphs 2.8 & 2.9 of this report) which are now incorporated into the Long Term Management Plan which has been updated to reflect the progress of restoration at the quarry.
- 7.51 The closure of the quarry would not allow the approved restoration scheme to be completed in its entirety and whilst it is acknowledged that paragraph 144 of the NPPF supports “*restoration and aftercare at the earliest opportunity*” it also requires it to be “*carried out to high environmental standards*”.
- 7.52 In granting the previous permissions there was a recognition of the benefits of the restoration scheme proposed by the applicant. This application does not alter the restoration scheme but would allow for its completion in full after which it would be subject to the previously agreed aftercare management period. There are no objections from the County Principal Landscape Architect, County Ecologist, Natural England or the Yorkshire Wildlife Trust and there are opportunities to review mitigation and restoration progress via the Section 106 legal agreement. It is therefore considered that the proposed restoration on the site can be achieved to a high standard and would be subject to extended aftercare management and complies with the NPPF and ‘saved’ policies 4/1(f&g) and 4/20 of the NYMLP (1997) and policies CP3, CP4, CP12 and CP13(a&b) of the Richmondshire Local Plan Core Strategy (2014).

Planning Conditions

- 7.53 All previous conditions shall remain albeit updated to reflect the development proposed by this application and any schemes approved under conditions since the grant of permission ref. C1/39/34G. Conditions which required works in earlier phases of the development which are no longer relevant have not been carried forward in light of the works having been completed.
- 7.54 The conditions which were previously prefaced by words to the effect of “*unless otherwise agreed in writing...*” (known as ‘open’ or ‘tailpiece’ conditions) have been updated to remove such wording so to avoid revisions to the original approved documents or authorising development outside of the formal planning application process.

Section 106 Legal Agreement

- 7.55 The existing Section 106 legal agreement dated 23 January 2004 secured the continuation and revision of the covenants contained within the ‘Original Agreement’ attached to permission C1/39/34E dated 18 November 2002. The ‘Original Agreement’ from 2002 covered the long term aftercare management of the restored site (nature conservation and recreational use areas) for a period of 25 years after expiry of the final aftercare period (5 years) in the form of Tier 1 (for Phase 1) and Tier 2 (for Phases 2-6) Management Plans. It also required cessation of mineral extraction in the old planning permission areas of Tancred Quarry, removal of the processing plant at Tancred Quarry and the establishment of a Local Community Liaison Group. The 2004 agreement carried those items forward with the addition of the diversion of the Coast to Coast public right of way, interim management of land adjoining the River Swale and details of bird management and control.
- 7.56 If planning permission is granted the Section 106 legal agreement would need to be updated and carried forward with the new permission as a deed of variation. In this case a deed of variation would be appropriate to carry forward the clauses still relevant such as the Local Community Liaison Group, bird management and the long term aftercare management of the restored site.

8.0 Conclusion

- 8.1 The proposal does not seek to increase the overall footprint of the site or deviate from any other aspect of the consented operation, other than extending the time period for extraction with minor amendments to the phasing, direction of working and conveyor layout. The proposal does not seek to increase the output tonnage from the quarry, nor does it seek to amend the principle of the restoration scheme previously consented. The proposal would ensure the continued supply of the remaining sand and gravel within the existing quarry area and would allow for appropriate final site restoration. It is considered that the remaining reserves can be extracted without unacceptable harm and this would avoid the unnecessary sterilisation of the mineral resource.
- 8.2 In considering this application Officers have been mindful of any material changes in planning circumstances since the original permission, including the publication of the NPPF, Planning Practice Guidance and current Local policies. The proposal would ensure the continued supply of sand and gravel to market in line with national policy and guidance on maintaining adequate landbanks. The development is supported in principle and there have been no significant material changes in terms of scale, nature or methods of working since the previous grant of planning permission which would 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 and through a Section 106 legal agreement (deed of variation). There are no material planning considerations to warrant the refusal of this application for the variation of condition No's 1, 20, 23 & 52 of planning permission ref. C1/39/34G to allow the continuation of sand and gravel extraction for a further 4 year period until 31 December 2020 with final restoration by 31 December 2021 and removal of the plant site by 31 December 2022 and amendments to the phasing and direction of working and a reconfigured layout for the conveyor.

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, 4/15 and 4/20 of the North Yorkshire Minerals Local Plan (1997), and with Policies CP1, CP3, CP4, CP7, CP12 and CP13 of the Richmondshire Local Plan Core Strategy (2014) 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;
- 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
- iv) Having taken into account all the environmental information submitted as part of this planning application included within the Environmental Statement

That, subject to prior completion of a deed of variation relating to the existing Section 106 Legal Agreement **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be carried out in accordance with the application details dated 10 January 2001 (as amended) (Ref C1/39/34E) and as amended by the application dated 11 April 2003 (Ref C1/39/34G) and as further amended by the application dated 9 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.

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

2. Within 3 months of the date of this permission a detailed scheme of ground and surface water monitoring shall be submitted to and agreed in writing by the County Planning Authority and such scheme shall include details of the following matters:-
 - a) the location and type of ground and surface water monitoring facilities installed;
 - b) the duration and frequency of monitoring to be carried out;
 - c) the ground and surface water perimeters to be monitored; and
 - d) the submission of monitoring results to the Mineral Planning Authority.

Thereafter, monitoring shall take place in accordance with the approved scheme.

Reason: To safeguard the ground and surface water environment.

3. Within 3 months of the date of this permission a scheme for monitoring of noise emitted from the site shall be submitted to the County Planning Authority. Such scheme as may be approved in writing by the County Planning Authority shall indicate the location of all monitoring stations, identify the LA90 levels at each station, incorporate as appropriate those receptors and LA90 levels obtained in the Environmental Statement (see Figure 11.1 dated December 2015) and provide for monitoring to be carried out at the approved locations at three monthly intervals. Between quarterly noise surveys additional monitoring shall be carried out at the written request of the County Planning Authority. All results shall be available for inspection on request by the County Planning Authority and the annual summary of results shall be submitted to the County Planning Authority for consideration not later than 1 March in the following calendar year.

Reason: In the interests of amenity.

4. 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. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field).

Reason: In the interests of amenity.

5. Noise levels due to operations during the night-time period (06.00 – 07.00) shall not exceed 42dB(A) LAeq, 1h (free field) at any residential premises..

Reason: In the interests of amenity.

6. Notwithstanding the noise limits imposed within Conditions 4 & 5 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.

7. In the event that noise monitoring indicates that any noise levels specified in Conditions 4 & 5 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 Conditions 4 & 5.

Reason: In the interests of amenity.

8. 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 earth mobile plant is operating within Phase 6 non audible reverse warning alarm systems shall be deployed.

Reason: In the interests of amenity.

9. No fixed plant shall be erected within the site until full details of its siting, design and appearance has been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of amenity.

10. Within 3 months of the date of this permission a Dust Management Plan for controlling and monitoring suspended and deposited dust emitted from the site shall be submitted to the County Planning Authority. Such scheme as may be approved in writing by the County Planning Authority shall identify types of monitors and the location of monitoring stations (including, but not limited to, those locations shown on Figure 12.2, dated December 2015), together with the mitigation measures to be implemented to control dust and such scheme shall thereafter be implemented so as to provide for the monitoring results from those stations to be made available at three monthly intervals. All results shall be available for inspection on request by the County Planning Authority and the annual summary of results shall be submitted to the County Planning Authority for consideration not later than 1 March in the following calendar year.

Reason: In the interests of amenity.

11. In the event that an assessment of dust emissions and/or the results of formal monitoring indicate that reasonable additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the County Planning Authority. Measures subsequently approved in writing by the County Planning Authority shall be implemented within such a period as may be required by the County Planning Authority.

Reason: In the interests of amenity.

12. No mineral processing shall take place at any location within the site except within the proposed processing plant area identified on the application drawings.

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

13. No dewatering of the working area hereby permitted shall take place.

Reason: In the interests of amenity.

14. No aggregate shall be imported into the site except in accordance with such scheme as may be agreed in writing by the County Planning Authority.

Reason: In the interests of amenity and highway safety.

15. No operations or development hereby permitted shall take place within the proposed fixed processing plant area except between the following hours:-

0600 – 1900 Monday to Friday
0600 – 1400 Saturday

Reason: In the interests of amenity.

16. Except as required by Condition 17 below, no mineral extraction or associated removal or replacement of soil or overburden shall take place except between the following hours:-

0700 – 1800 Monday to Friday
0700 – 1300 Saturday

Reason: In the interests of amenity.

17. Within the Phase 6 working area as shown on the Phasing Plan drawing ref. NT12052/003, (dated December 2015) no operations shall take place except between the following hours:-

0800 - 1700 Monday to Friday
0800 – 1300 Saturday

Reason: In the interests of amenity.

18. Notwithstanding the provisions of Conditions 15 and 16 and except for the area referred to in Condition 17 above, essential maintenance work only shall be permitted between the additional hours of 1300 – 1700 on Saturdays and 0800 – 1700 on Sundays.

Reason: In the interests of amenity.

19. No vehicular access to the site from the public highway shall be gained except via the existing access to Scorton Quarry, except as necessary for the purposes of delivery, removal and maintenance of essential plant to that part of the site to the south of the B6271.

Reason: In the interests of amenity and highway safety.

20. Mineral extraction shall proceed only in accordance with the phasing arrangements and direction of working indicated on the 'Phasing Plan' drawing ref NT12052/003, dated December 2015.

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

21. The method of working and type of plant to be used for mineral working shall only be in accordance with the details set out in the planning application and accompanying information.

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

22. No mineral shall be transported from Phases 5 & 6 to the processing plant area except in accordance with the details set out in the 'Phasing Plan' drawing ref NT12052/003, dated December 2015 which details the routing of the conveyor system and the locations of the conveyer transfer points.

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

23. All soils shall be stripped, stored, handled and reused for restoration purposes in accordance with the mitigation measures set out in Section 8.6 of the Environmental Statement dated May 2016.

Reason: To safeguard the soil resources.

24. The access route from the quarry to the public highway shall be kept clean and maintained in a good standard of repair, free of potholes for the life of the operations. The access shall be maintained such that surface water from the site does not discharge onto the existing highway. Details of any proposed new gates, barriers, signage and landscaping works at the site entrance shall be submitted for the written approval of the County Planning Authority and such works shall be implemented only in accordance with the details so approved.

Reason: In the interests of highway safety.

25. All facilities for access, parking (staff and visitors), turning, manoeuvring, loading and unloading of all vehicles using the site shall be maintained clear of any obstruction and retained for their intended purpose at all times for the duration of the development.

Reason: In the interests of highway safety and amenity.

26. The precautions to be taken and to prevent the deposition of mud on public highways by vehicles travelling from the site shall be implemented in accordance with mitigation measures set out in Section 3 of the 'Vehicle-borne debris management plan' ref. NT12052 Report 001, dated September 2016. Such precautions shall be maintained in full working order for the duration of the development hereby permitted.

Reason: In the interests of highway safety and amenity.

27. No mineral extraction or other works involving the alteration of existing ground levels shall take place within 50 metres of the top of the River Swale.

Reason: To ensure the stability of the bank of the River Swale.

28. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If

there is multiple tankage, the compound should be at least equivalent to the capacity of the interconnected tanks plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bunds.

Reason: To prevent pollution of the water environment.

29. The final profile of the restored lake margins shall not exceed the following maximum gradients:-

- i. Phase 5: 10 metres at 1 in 20 followed by 15 metres at 1 in 10.
- ii. Phase 6: 10 metres at 1 in 10 followed by 5 metres at 1 in 5.
- iii. Phases 1, 2, 3, 4: 10 metres at 1 in 5.

Reason: In the interests of public safety and the nature conservation interest of the site.

30. Appropriate fencing shall be erected and maintained for the duration of the development hereby permitted so as to prevent unintentional access to all operational areas.

Reason: In the interests of public safety.

31. Appropriate warning signs shall be erected and maintained for the duration of the development hereby permitted advising of the presence of operational areas and water bodies.

Reason: In the interests of public safety.

32. Within 6 months of the date of this permission a detailed scheme of public access shall be submitted for the written approval of the County Planning Authority and such scheme shall include details of:-

- i. All necessary temporary and permanent diversions of public rights of way.
- ii. Any proposed permissive access.
- iii. The provision to be made for disabled access.
- iv. The car parking provision to serve the restored land.
- v. The protection of public rights of way for the duration for the development.

Reason: To safeguard public access during the development.

33. Bird control measures relating to the water bodies created/to be created shall be implemented in accordance with the Bird Management Strategy contained within Section 3 of the Restoration and Aftercare Management Plan dated May 2016.

Reason: To minimise the risk of bird strike hazard to aircraft.

34. All vehicles transporting mineral from the site shall be securely sheeted so that no material may be spilled on the public highway.

Reason: In the interests of highway safety and amenity.

35. Details of any proposed new external site lighting shall be submitted for the written approval of the County Planning Authority prior to installation and site lighting shall subsequently take place only in accordance with the details so approved.

Reason: In the interests of amenity.

36. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 2015, no fixed plant, machinery or buildings shall be erected at the site except as provided for in the application details, without the prior written approval of the County Planning Authority.

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

37. Throughout the period of working, restoration and aftercare the operator shall protect and support any ditch, watercourse or culvert passing through the site or satisfactorily divert it so as not to impair the flow or render less effective drainage onto and from adjoining land.

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

38. All operational and unrestored areas of the site and all topsoil, subsoil and overburden mounds shall be kept free from pernicious and invasive weeds and such measures as may be necessary shall be taken to control weed growth and prevent the production of seed and subsequent spread of agricultural weeds onto adjoining land.

Reason: In the interests of safeguarding agricultural land.

39. Archaeological mitigation, recording, reporting and dissemination shall be undertaken in accordance with parts 10.15 & 10.16 (Chapter 10) of the Environmental Statement dated May 2016 with copies of reports provided to the County Planning Authority upon completion.

Reason: The site is of archaeological importance.

40. Progressive restoration, landscaping and planting shall be implemented in accordance with the 'Anticipated restoration phasing' drawing ref NT12052/006, dated March 2016 and the Tier 2 Restoration Plan drawing ref NT12052/004 Rev A, dated March 2016 and the 'Restoration and Aftercare Management Plan' (Appendix 3.1 of the ES) dated May 2016.

Reason: To ensure satisfactory restoration.

41. The development hereby permitted shall be carried out in accordance with the Scheme for the Protection of Established Trees & Hedges within Phases 4, 5 & 6 September 2016 (Amended January 2017) and 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 amenity.

42. The establishment and aftercare maintenance and management of restored areas shall be undertaken in accordance with the 'Restoration and Aftercare Management Plan' (Appendix 3.1 of the ES) dated May 2016 for a period of 5 years from completion of restoration in each phase.

Reason: To ensure satisfactory restoration and beneficial after use of the site.

43. In the event of mineral extraction 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, landscaping and aftercare shall be submitted to the County Planning Authority for written approval within 18 months of the cessation. The approved scheme shall thereafter 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.

44. Every 12 months from the date of this permission or at such other times as may be agreed in writing by the County Planning Authority, a review of the previous years planting, 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 scheme approved under the terms of this permission 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 work shall be carried out in accordance with the approved schemes.

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

45. 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.

46. The permission hereby granted authorises the extraction of minerals only until 31 December 2020. The development hereby permitted shall be discontinued and all plant and machinery associated with the extraction of minerals shall be removed from the site and the site restored in accordance with the application details and the requirements of this Decision Notice by 31 December 2021 with the removal and restoration of the plant site by 31 December 2022.

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

47. Within 1 month of the date of this permission details to evidence that the necessary measures have been implemented to ensure that the deposition of silt into Scorton Lake arising from operations at Scorton Quarry has ceased shall be submitted to the County Planning Authority for written approval. Such measures shall be maintained in full working order for the duration of the development hereby permitted.

Reason: In the interests of reducing potential flood risk in the area.

Approved Documents

Ref.	Date	Title
NT12052	May 2016	Environmental Statement & Figures & Appendices
NT12052/002	December 2015	Site Boundary S136 00126
NT12052/003	December 2015	Phasing Plan S136 00099

NT12052/004 Rev A	March 2016	Tier 2 Restoration Plan S136 00105
NT12052/005	March 2016	Restoration progress to end of 2016 S136 00127
NT12052/006	March 2016	Anticipated restoration phasing S136 00128
NT12052	May 2016	Restoration and Aftercare Management Plan (incorporating Bird Management Plan)
NT12052	May 2016	Long Term Management Plan (incorporating Tier 1 & Tier 2 management plans)
NT12052 Report 001	September 2016	Vehicle-borne Debris Management Plan
---	September 2016 (Amended January 2017)	Scheme for the Protection of Established Trees & Hedges within Phases 4, 5 & 6
S136/TS16/01	24/01/2017	Tree Survey with Root Protection Radius- Phase 4
S136/TS16/02	24/01/2017	Tree Survey with Root Protection Radius- Phase 5
S136/TS16/03	24/01/2017	Tree Survey with Root Protection Radius- Phase 6

**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.

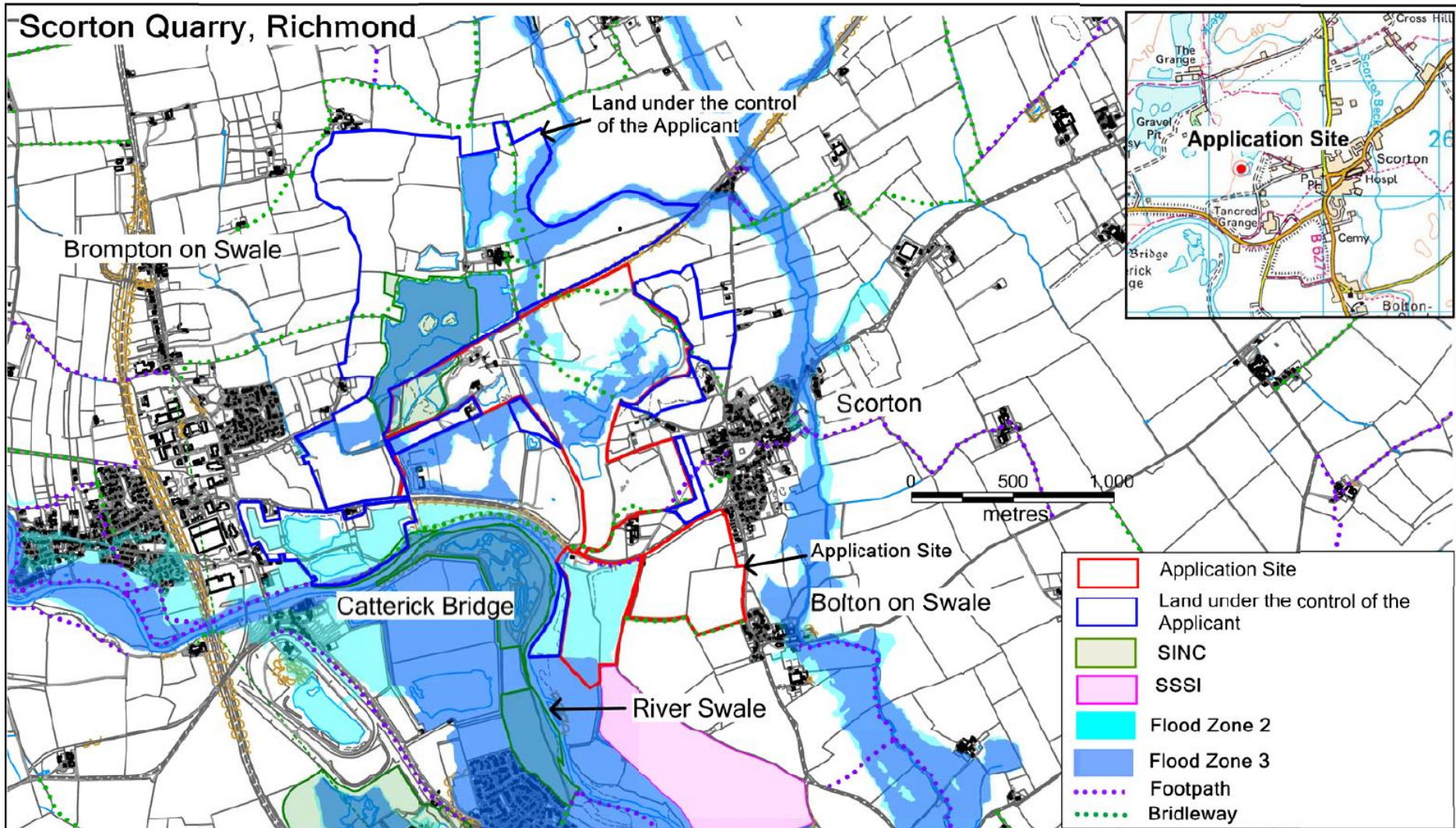
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Alan Goforth

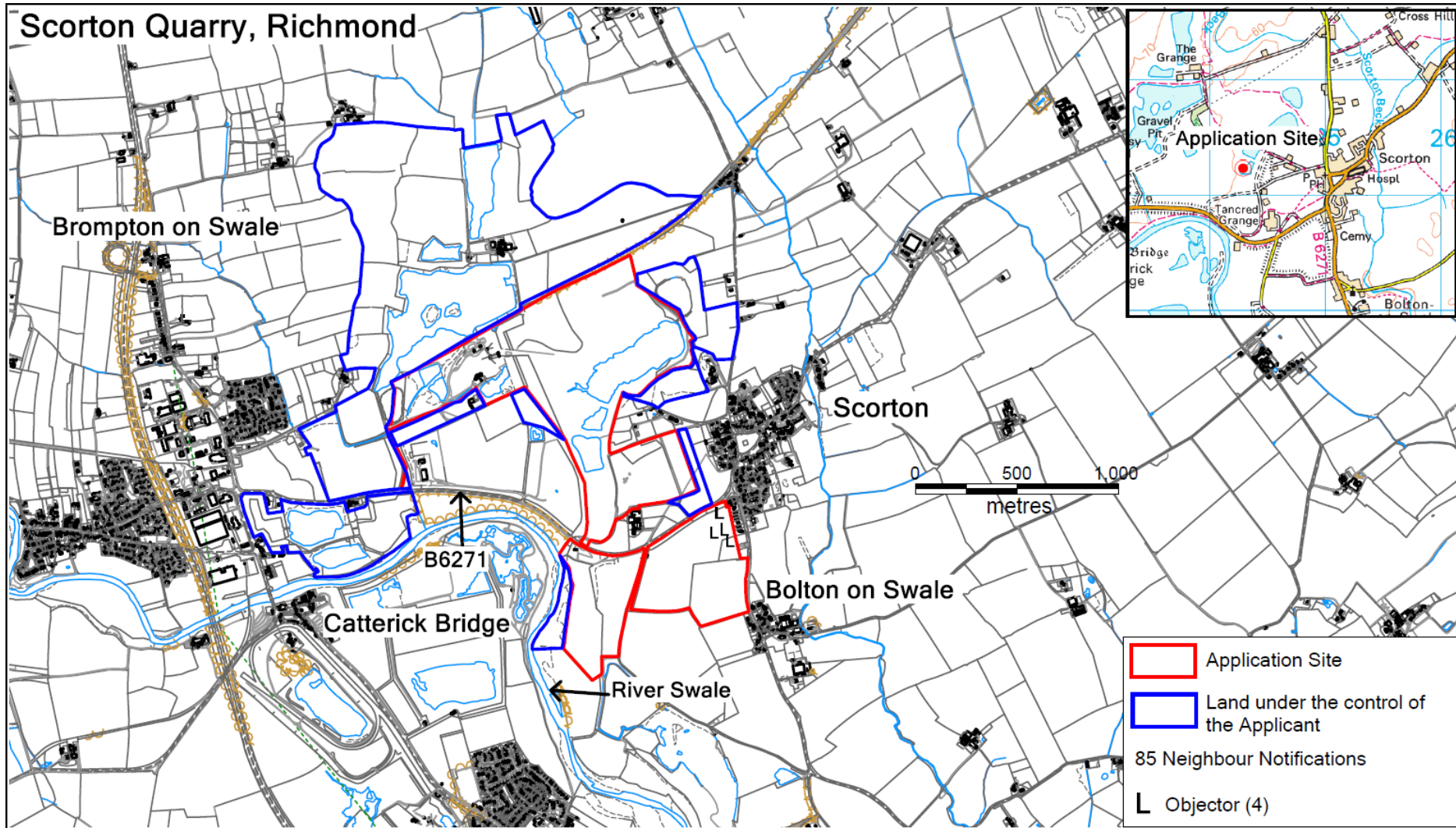
Background Documents to this Report:

1. Planning Application Ref Number: C1/16/00507/CM (NY/2016/0094/ENV) registered as valid on 21 June 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.

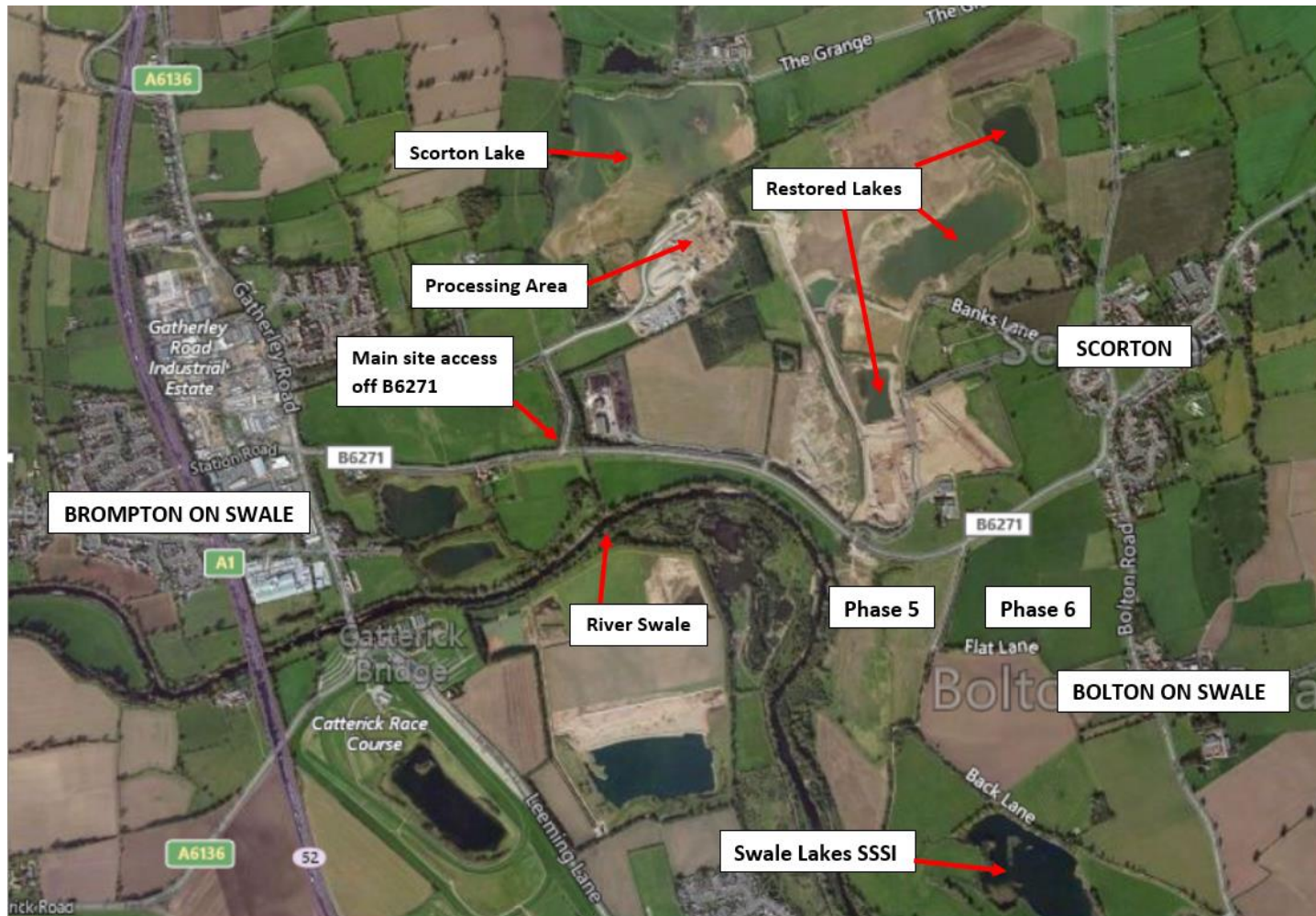
Appendix A- Site Location and constraints



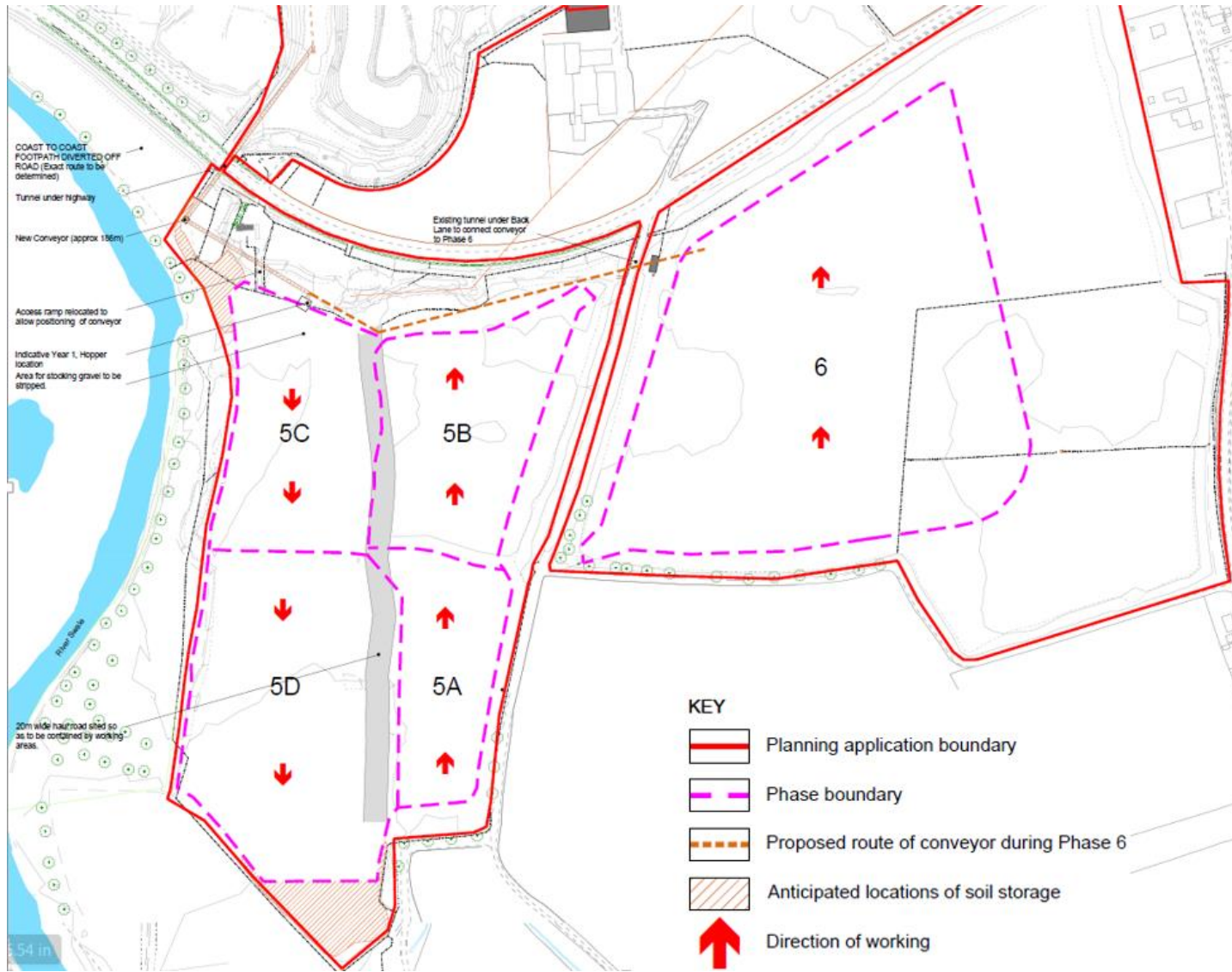
Appendix B- Site Location and representations



Appendix C- Aerial Photo



Appendix D- Phasing Plan (Phases 5 & 6)



Appendix E- Restoration Plan (Phase 5 & 6)



Appendix F- Anticipated Restoration Phasing

