

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

29 AUGUST 2017

**C6/500/95/D/CMA - PLANNING APPLICATION FOR THE PURPOSE OF AN
EXTENSION TO EXISTING SAND AND GRAVEL WORKINGS ON LAND AT
RIPON QUARRY, NORTH STAINLEY, RIPON, NORTH YORKSHIRE, HG3 3HT
ON BEHALF OF HANSON QUARRY PRODUCTS EUROPE LTD
(HARROGATE DISTRICT) (MASHAM & FOUNTAINS ELECTORAL DIVISION)**

Report of the Corporate Director – Business and Environmental Services

1.0 PURPOSE OF REPORT

- 1.1 To determine a planning application for an extension to existing sand and gravel workings on land at Ripon Quarry, North Stainley, Ripon, North Yorkshire on behalf of Hanson Quarry Products Europe Ltd.
- 1.2 While this application is not subject to objections having been raised by those statutorily consulted on behalf of the County Planning Authority or from those with whom discretionary consultations have been undertaken, representations have been made by three local residents and, therefore, in accord with Schedule 4 of the County Council's adopted Officers' Scheme of Delegation in its [Constitution](#), this application is brought before Members of this Committee for determination. The matters raised in representation include, *inter alia*, the lack of adherence to the previously imposed time limit; impacts upon residential amenity including noise, alleged out-of-hours working; impacts upon hydrology, archaeology and ecology and the lack of public consultation.

2.0 BACKGROUND

Spatial context of the proposed development

- 2.1 The proposed extension area to the existing sand and gravel workings at Ripon Quarry lies wholly to the south of the River Ure. Its immediate environs, progressing around the points of the compass and providing approximate 'straight line' distances, include to the:
- north, the village of Thornborough (4 kilometres);
 - north-east, the villages of Kirklington (5.4 kilometres) and Sutton Howgrave (3.3 kilometres);
 - east, the village of Wath (2 kilometres);
 - south, the edge of the urban area of Ripon (4 kilometres);
 - to the west, the village of North Stainley (1.5 kilometres) and beyond North Stainley village lies the Lightwater Valley Theme Park;
 - north-west, the villages of East and West Tanfield (4.5 kilometres); and,
 - north-north-west, the village of Nosterfield (5.2 kilometres).

- 2.2 The extent of the existing quarry workings lie partly within the administrative boundary of the Borough of Harrogate and partly within the district boundary of Hambleton; lying within the several parishes including North Stainley with Sleningford, Wath & Norton Conyers and West Tanfield. The proposed development of the extension to the quarry lies wholly within the administrative area of the borough of Harrogate, but nevertheless proximate to the administrative jurisdiction of Hambleton District.
- 2.3 The principal roads within the local highway network surrounding the proposed development include the main road between Ripon (to the south) and Masham (to the north-west) (the A6108) and to the north of the proposed development, along an east-west alignment, lies the road between Masham and the A1(M) to the east (the B6267).
- 2.4 The use of the land subject to the application for the proposed development is predominantly agricultural (for the most part, arable) and, therefore, 'greenfield'; with the exception to this being the existing processing plant area of the quarry.
- 2.5 The landscape character of the area is a predominantly rural with dispersed farm houses and cottages and areas of woodland amongst open undulating arable farmland. The national [Landscape Character Area](#) within which the proposed development is situated, the 'southern magnesian limestone' area (source: Natural England, last updated 18th July 2013), is described as possessing:
- a "large number of country houses and estates with parkland, estate woodlands, plantations and game coverts;
 - woodlands combining with open arable land to create a wooded farmland landscape in some parts;
 - river valleys and gorges cutting through the ridge exposing the underlying rock; and,
 - archaeological remains reflecting the long-standing importance of the area for settlement and transport".
- At the local scale, the character is described as being:
- of mixed land use cover from recreation and caravan sites, to agriculture, woodland, scrub, marsh and wetland;
 - well wooded river corridor with shingle beaches plus several lakes and ponds providing evidence of previous gravel extraction activities and gypsum holes; and,
 - that much of the area between Ripon and North Stainley has a SSSI designation.
- 2.6 The site has been worked for over half a century producing sand and gravel and has been operated by Hanson Quarry Products Europe Limited since 1995. The area of the quarry is separated in two by the River Ure, with extraction taking place north of the river and hauled via a ford crossing over the river for processing. The mineral currently leaves the site by road using an existing access onto the A6108 road. The access road is stated to be approximately 1.4 kilometres in length. That access to the quarry from the A6108 is crossed approximately 750 metres from the site entrance by a bridleway, which is also known as the *Ripon Rowel Walk*, and runs parallel to the plant site for part of its length.
- 2.7 The current planning permission (ref. no. C6/500/95B & C2/99/045/0011, dated 8th October 2001) covers an area of approximately 90.5 hectares. The County Planning Authority is informed that the applicant company's land interest and the area covered by the [existing Section 106 legal agreement](#) at the site covers

approximately 44.5 hectares. Through the current S106 legal agreement, the applicant company and other interested parties have a commitment to the long-term management of approximately 44.5 hectares of the restored site and upon completion of final restoration and 'aftercare' works, a core habitat area is obliged to be subject to an extended 21 year management period. Ecological monitoring and assessments have taken place at the site and on surrounding land as part of the obligations under the existing Section 106.

- 2.8 The applicant company's presence in the county (not including the City of York) principally comprises Ripon Quarry (the subject of the current application and also previously known as Ure Valley Quarry) where there also exists a ready-mix concrete batching plant), Coldstones Quarry (also referred to as Pateley Bridge Quarry (aggregates and asphalt), Wykeham Quarry (aggregates and concrete) and Allerton Park and Skipton Rock Quarry (concrete) [nb *this information is to be regarded as correct at the time of its compilation for the purpose of this report*].
- 2.9 Whilst there are no extant planning conditions relating to the intensity of production from the site or the number of HGV movements, there are restricted operating hours in respect of HGV movements for the quarry and the existing concrete plant to between 0700 hours and 1800 hours Mondays to Fridays, between 0700 hours and 1200 hours on Saturdays and no quarrying or associated operations on Sundays or Bank and/or Public Holidays.
- 2.10 The quarry produces a range of products, including 20mm, 10mm and 5mm gravels and sharp sand. The majority of the extracted mineral from the site supplies in-house customers like Hanson Concrete in the Leeds and Bradford area as well as supplying numerous large building contractors, local builders' merchants and individual cash sales collected by trailer.
- 2.11 With regards to the method used to extract the mineral, an extendable/'long-reach' hydraulic excavator is employed and, once raised, the mineral is loaded into dump trucks and transported across the river ford crossing to the processing plant area. The 'won' materials are stockpiled until required and a loading shovel is employed to manoeuvre stock as and when necessary and used to load road haulage vehicles too.
- 2.12 Due periods of high winds a water bowser and dust suppression system are put into operation to abate nuisance caused by fugitive dust around the plant site area and on internal haul roads. A further mitigation against the fugitive emission of dust is the sheeting of road haulage vehicles prior to leaving the site.
- 2.13 Since the start of the recession in 2008, the quarry has experienced a significant reduction in the intensity of the production of mineral from this site such that it experienced its lowest amount of activity in the two and a half years between October 2009 and May 2012. However, since that time, the intensity of production from the site has been increasing by virtue of demand to approximately 250,000 tonnes per annum.

Constraints affecting the site of the proposed development

- 2.14 The River Ure forms the boundary of the proposed extension area (a stand-off distance of some 10-20 metres at the northern boundary and some 100 metres at its eastern boundary). The *Ripon Parks SSSI* and the *High Batts Nature Reserve* comprise land to the north and the west respectively. The application details explain that “*the nearby Jetty and Little Mill Bank woodlands are Sites of Importance for Nature Conservation (SINC) and there are three blocks of Ancient Woodland (dating at least 1600 AD) [including Bogg Wood and The Batts] in the vicinity*” of the proposed development. The Norton Mills *Site of Importance for Nature Conservation (SINC)* lies on the opposite side of the River Ure from the proposed site.
- 2.15 The application details go on to explain that some 90 metres across the river to the east lies the *Norton Conyers Grade II Registered Park and Garden of Historic Interest* which forms the setting of the *Grade II* Listed Building of Norton Conyers*, a late medieval manor house (situated approximately a kilometre further to the east). Furthermore, *Castle Dikes*, the closest of the *scheduled monuments* in the vicinity of the proposed site lies some 600 metres to the south-west.
- 2.16 A public bridleway (the ‘*Ripon Rowel Walk*’) traverses the proposed development site from North Stainley to North Parks Farm.
- 2.17 The site is located within designated Flood Zones 2 and 3 meaning that land that has between a 1 in 100 and 1 in 1,000 year or greater annual probability of fluvial flooding (i.e. between 0.1%–1% chance of flooding from rivers in any year) and between 1 in 100 and 1 in 20 year or greater annual probability of fluvial flooding (i.e. between 1%-5% chance of flooding from rivers in any year) respectively.
- 2.18 Ripon Quarry lies approximately 12 kilometres to the south of RAF Leeming and lies within a statutory safeguarding birdstrike zone for that airfield. In addition, it is also approximately 10 kilometres within the safeguarding birdstrike zone for both RAF Dishforth and RAF Topcliffe.
- 2.19 With regard to nearby residential properties, *North Parks Farm* would be the closest, in this particular instance, to the proposed area of extension being approximately 100 metres to the south. Further afield lie *North Mills Farm* and *Keepers Cottage* (circa 260 metres and 410 metres to the north respectively).
- 2.20 A plan showing the application site is attached to this report (Appendix A).

Planning History

- 2.21 With respect to the planning history, *per se*, Ripon Quarry, has operated since 1949 extracting sand and gravel from the river and adjoining land. Between that year and 1967, a number of permissions/approvals had been granted for this quarry; however, a consolidating permission in 1994 sought to cover many of the areas of previous workings (stretching over some 39 hectares) under one single grant of consent and five years later, in 1999, a revised restoration scheme, including restoration to a combination of agriculture, lakes, nature conservation and recreation was approved.

- 2.22 Two years later, a further consolidating permission included this previous 39 hectares, but also sought consent to extract mineral from an additional 50 hectares, raising a total land-take of mineral development to 90.5 hectares (albeit not all of which was worked concurrently). This is the most recent full permission and was granted on 8th October 2001 (ref. no.s C6/500/95B (Harrogate) and C2/99/045/0011 (Hambleton)). This permission provided for the extraction of an additional 3.9 million tonnes of sand and gravel together with approval for the erection of a new processing plant and machinery to enable the site to increase production levels.
- 2.23 This 2001 permission imposed a number of detailed planning conditions relating to defining the development as permitted, the time period for which consent was granted (i.e. completion by 31st December 2015) and the carrying out of the development ensuring both control of the development in the interests of safeguarding residential amenity, but also that of the wider environment and economy. This 2001 permission was accompanied by a legal agreement prepared under *Section 106* of the *Town & Country Planning Act 1990* (as amended) which required the long-term management of approximately 44.5 hectares of the restored site (lakes & reed beds areas) to be carried out for a period of 21 years after the end of the 5 year statutory *aftercare* period. The development which continues to be carried out, continues to do so under this planning permission for which the County Planning Authority is considering a concurrent application for an extension of the afore-mentioned time-limit of 31st December 2015.
- 2.24 Approvals subsequent to this 2001 permission include approval on;
- 24th April 2007 for the erection of a replacement processing plant as the design of the plant had changed from the plans approved in 2001 (under the provisions of condition no. 11);
 - 10th March 2011 and again on 8th November 2016 for a *Noise Monitoring Scheme* during operations (pursuant to condition no. 26); and,
 - 20th September 2011 and again on 23rd June 2014 for the refurbishment of the existing processing plant at Ripon Quarry (under the provisions of condition no. 55).

Information prior to the submission of the application

- 2.25 The submission of this planning application was preceded by a formal request made on behalf of the applicant company for a formal *Scoping Opinion* from the County Planning Authority (received on 26th August 2009 and validated on 28th August 2009). A [Scoping Opinion](#) provides a formal declaration of matters such as air quality, hydrology, noise, traffic etc. (depending upon the nature, scale and/or location of the proposed development) that, in the opinion of the determining planning authority, are considered as requiring to be assessed in terms of their likely significant environmental impacts and the information provided within any Environmental Statement that may accompany any subsequent planning application. The formal Scoping Opinion was duly adopted on 23rd December 2010. A copy of that Scoping Opinion is also available to view on the County Council's Online Planning Register using the application ref. no. [NY/2009/0425/SCO](#). It is noted that the proposal under consideration differs from that which had been proposed in 2009 in that the area referred to as '*Manor Farm*' has been removed from the proposals submitted by the applicant company.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The application, as originally submitted to the County Planning Authority, has been referred to, by the applicant company, as the '*Pennycroft & Thorneyfield*' extension. The details originally accompanying the planning application estimated the proposed area of the extension to contain some 3.5 million tonnes of "*high quality*" fluvioglacial sands and gravels and glacial lake deposits (comprising both glacial tills and river terrace deposits suitable for concreting and general construction aggregate) (proposed to be extracted from an area of 26.5 hectares) which, if worked on the 2011 level of production at 200,000 tonnes per annum, would anticipate a development '*life*' of fifteen (15) years. When taking into account the associated haul road to the existing processing plant site and the proposed temporary soil storage areas, the total amount of land subject to the application amounted to 40 hectares. Subsequent to the submission, the proposals have been revised and this is explained later in this section of this report.

Mineral appraisal

- 3.3 The applicant company has described the degree to which the mineral resources of the proposed extension area have been appraised from the existing British Geological Survey information, exploratory drilling and data collated from the thirty-six water monitoring boreholes that have been sunk over preceding years (sixty-six boreholes having been sunk in total) and has provided data within its '*Geological Information*' plan (drwg no. U9h/170, dated Sep 08) which accompanies its planning application.

Method of extraction

- 3.3 The applicant company has explained that "*sand and gravel is currently extracted by an extendable hydraulic excavator. The as-raised material is then loaded into dump trucks and transported across the river, via a ford crossing, to the processing plant area*" and road haulage vehicles would then be loaded with stock via a loading shovel on an '*as and when required*' basis. The use of a long-reach hydraulic excavator would allow for deep mineral working and the mineral would be worked in six phases, but the upper layer of commercial exploitable reserve would be capable of being dry-worked through the process of partial dewatering to a depth of some 6 metres below the water table.

Direction of working

- 3.4 Upon the exhaustion of the reserves within the currently consented area to the north of the river, the crossing used by the applicant company for mineral haulage would cease to be required. The mineral within the extension area is proposed to be worked starting in the southern extremity of the proposed extension area (immediately adjacent the river) working northward (*Phase 1 covering, as revised, 4.38 hectares and working to a depth down to 20 metres AOD*), in the western extremity (closest to the existing plant area) working eastward (*Phase 2 covering, as revised, 3.29 hectares excavated to a depth of 16 metres AOD*), moving to the eastern extremity (again alongside the river) working westward (*Phase 3 covering, as revised, 3.85 hectares*), then working northward within the middle of the proposed extension (*Phase 4 covering, as revised, 3.95 hectares excavated to a depth of 16 metres AOD*) and then the final two phases working southward away from the river (*Phases 5 & 6 covering,*

as revised, 3.84 and 50.05 hectares and to a depth of 19 and 15 metres AOD respectively). A plan accompanying the 'Further Environmental Information' submitted in December of last year depicts the '[sequence and direction of working](#)' (drwg no. U9h/196 Rev F, dated August 2016) and an extract from this plan is provided at Appendix B to this report. The justification for this working sequence has been explained by the applicant company as being for three reasons:

- to maximise the opportunity for progressive restoration of the wet woodland within the southern portion of the site;
- limit double handling of interburden which is found mainly within the northern portion of the extraction area in phases 2, 4 & 5; and,
- create a hydrological buffer for High Batts in Phase 2.

- 3.5 The extension area is proposed to be worked and restored progressively such that the commencement of restoration of the area of 'Phase 1' would commence with working in 'Phase 2' and continue when working Phase 3. Working within the area of 'Phase 4' would see the commencement of restoration within 'Phase 3' and the completion of restoration within the area of 'Phase 1'. Interburden and soils from 'Phase 5' are proposed to be used to restore land within both the areas of 'Phase 2' and 'Phase 4' and, finally, those materials within 'Phase 6' are proposed to not only restore the area of 'Phase 5', but also that of 'Phase 6' too.

Access and associated quarry traffic

- 3.6 Access to the proposed extension area is proposed via the existing access off the A6108 (between Ripon (to the south) and Masham (to the north-west)). The rate of production at a level of 220,000 tonnes per annum would, as the applicant company has explained, give rise to "approximately 40 loaded vehicle movements per day". It goes on to explain that, were production levels to increase as a result of a upturn in the market, such generation of traffic would rise to approximately 75 loaded vehicle movements per day, but this would require the installation of new processing plant in the first instance before such levels could be achieved.

Hours of Working

- 3.7 The existing hours of working, as proposed, would mirror those as existing i.e. 0700 hours to 1800 hours on Mondays to Fridays and 0700 hours to 1200 hours on Saturdays with no quarrying or HGV movements proposed outside of these hours. The applicant company, therefore, proposed no change to these hours.

Employment

- 3.8 The applicant company has explained that eight positions of employment currently working at the existing quarry would be anticipated to be retained were planning permission to be forthcoming for the proposed extension.

Restoration & 'after-care'

- 3.9 The proposals provide for the land use of the main extraction area to be permanently changed from the original agricultural use to that of an open water body and wet woodland, while the remaining areas of the site (the soils storage area) would be restored back to agriculture. The applicant company has

explained that it “*aims to create a mosaic of habitats similar to the current site but also cater for amenity interests and address the importance of the historic landscape setting*”. An extract from the plan depicting the final restoration proposals is attached to this report at Appendix B. The restored site would, by statute, be subject to a five-year period of ‘*after-care*’, but in addition, the applicant company has offered up a legal undertaking to manage an area of the restored land for a period of twenty-one years “*to ensure the successful development of the restored site and the establishment of group partnerships linked to the amenity and wildlife interest in the area*”. This would commence upon the cessation of the final period of *after-care* of the last phase of the proposed development.

[*Officer note to Members:* While the submission in 2011 made reference to the applicant company’s intention to implement advance screen planting (to the south of the proposed soil storage area and haul road comprising a 10 metre strip of woodland planting and also a new hedgerow), it has recently been confirmed (via [e-mail dated 27th July 2017](#)) that this advance screen planting has not been implemented]

Information accompanying the planning application:

3.10 In addition to the requisite [application form and annex, ownership and agricultural holdings certificates and formal notices](#) submitted in November 2011, the following documents, *inter alia*, accompanied the planning application*:

- a [Planning Application Statement](#);
- a [Non-Technical Summary](#) of the Environmental Statement; and,
- a formal [Environmental Statement](#) (ES) (accompanied by figures, tables, diagrams, photographs and appendices) (November 2011) comprising 13 sections covering the EIA Framework, the development proposals, the Non-Technical Summary, and sections relating to landscape and visual impact (Section 4), ecology (Section 5), soils (Section 6), hydrology and hydrogeology including a [Flood Risk Assessment](#) and a [Hydrological and Hydrogeological Impact Assessment](#) (Section 7), cultural heritage (Section 8), material assets (Section 9), noise (Section 10), dust (Section 11), traffic & highways (Section 12) and alternatives (Section 13).

(* a full and comprehensive list of the documents can be found on the County Council’s Online Planning Register using the ref. no. [NY/2011/0429/ENV](#))

Landscape & visual impact

3.11 This Section ([Section 4](#)) within the applicant company’s submitted Environmental Statement comprises both a [Landscape & Visual Impact Assessment \(LVIA\)](#) and [Historic Landscape Assessment](#) acknowledging the historic landscape context in which the proposed development is situated. It explains that the proposed area of extension to Ripon Quarry possesses, for the most part, a perimeter of mature vegetation that, along with the undulating landform within which it sits, renders views both ‘*in to*’ and ‘*out of*’ the area obscured to varying degrees and, while not “*unique*” in itself, the extension area sits within a setting “*surrounded by a rich tapestry of cultural heritage and ecological assets*” (including the *High Batts Nature Reserve* within the *Ripon Parks SSSI* and the *Norton Mills SINC*).

- 3.12 An [‘Arboricultural Survey’](#) prepared by ACS Consulting (arboriculturalist consultants) on behalf of the applicant company has also been submitted to support the planning application. It explains that the aim of the survey was to inform on the future management of the parkland trees at Norton Conyers Grade II registered park and garden and resulted in 260 individual trees being surveyed. The experts advise that the trees affected by the proposed development are not protected by any [Tree Preservation Order](#) nor are there trees affected by the proposed development within any designated [Conservation Area](#).
- 3.13 The LVIA comprises, *inter alia*, an assessment of those material interests that may potentially be affected visually by theoretical modelling of the local landscape. These include, in a clockwise direction of varying distances from the proposed development, *Norton Mills, Badger Bank, Keepers Cottage, Norton Conyers house and its Registered Park & Garden, Plaster Pitts Farm, Middle Parks Farm, North Parks Farm, North Stainley Hall, Manor Farm* and surrounding properties and *Bellflask House* together with users of the *Ripon Rowell Walk* and the car park of the *High Batts Nature Reserve*. Of these, the assessment has predicted *North Parks Farm* as possessing a likelihood of experiencing a *‘large adverse’* impact visually; as would users of the *Ripon Rowell Walk* and the car park of the *High Batts Nature Reserve*. However, in respect of all three, the assessment predicted that this impact would reduce to a *‘slight beneficial’* impact upon final restoration of the proposed quarry workings.
- 3.14 Notwithstanding the acknowledged landscape impacts through the loss of agricultural land resulting from the proposed extraction of the mineral that lies beneath, the applicant company’s appointed expert has concluded that the *‘moderate adverse’* landscape change during mineral working would, in time, come to be a *‘slight adverse’* impact upon final restoration.
- 3.15 In order to mitigate against the landscape impacts that have been predicted to arise as a result of the proposed development, such as sustained mineral working, haul road and soil storage mound construction, soil stripping, loss of four (4 no.) mature trees and agricultural land, the applicant company proposes:
- the planting of a 10 metre wide woodland belt to the northwest of North Parks Farm;
 - the establishment of screening mound along the south western boundary to soils storage area to the north west of North Parks Farm;
 - gap planting with wet woodland species alongside the banks of the River Ure;
 - hydro seeding of the soil storage mounds would aid landscape integration; and,
 - the planting of new native hedgerows to both sides of the bridleway as it passes through the site.
- 3.16 When taking into account the measures proposed to be implemented to mitigate against the potential impacts of the proposed development, the overall significance of visual impact is concluded in the assessment as being one of *‘minor adverse’* effect during the proposed working of the mineral reducing to a *‘neutral’* impact following restoration.
- 3.17 The *‘Landscape and visual impact’* section of the Environmental Statement was subject to an [addendum report](#) prepared on behalf of the applicant company by

Golder Associates and submitted in 2013 with accompanying plans depicting an 'Expanded Landscape Analysis', 'Topographical Analysis', 'Cumulative Impacts' and 'Cross-Sections'. This arose as a result of responses to consultation requiring the redefinition of the area of the LVIA together with its widening in scope and its focus upon landscape character (regional, district, local and the proposed site itself) impacts as opposed to visual impacts. While the local landscape of the High Batts and the river itself are proposed to be preserved and unaffected by the applicant company's proposals, the LVIA has acknowledged that an inevitable consequence of mineral extraction would be the loss of existing land in agricultural use and a small number of groups of trees (four in number).

- 3.18 Further to the LVIA and the addendum thereto, the conclusion drawn by the appointed expert consultant, taking into account the enclosed situation of the extension afforded by mature perimeter vegetation and the temporary nature of the proposed development as well as the site's potential contribution to the restoration of the former historic landscape of the 1600s, has been one of deeming the overall impact during mineral working operations to give rise to 'moderate adverse' landscape and visual impacts, but this then reduces to 'slight beneficial' upon the final restoration of the proposed area of extension.

Ecological impacts

- 3.19 The assessment of significance of possible ecological impacts deemed likely to arise from the proposed development has been prepared on behalf of the applicant company by URS Scott Wilson Ltd (covered in [Section 5](#) of the applicant company's submitted Environmental Statement). The *protected species* for which surveys were undertaken to inform the assessment of ecological impacts of the proposed development include badger, bats, great crested newt, reptiles and breeding birds. No suitable habitat was found to exist in respect of roosting bats, reptiles or species of breeding birds; though suitable habitat is acknowledged to exist further beyond the perimeter of the site within adjoining fields, hedgerows and woodlands and the adjacent SSSI and Nature Reserve and, notwithstanding abundant foraging opportunities on adjacent land, it has been further acknowledged that the loss of arable land would result in 'significant adverse' impact upon certain bird species though only at the scale of the site itself. No surveys of other species were undertaken; however, the assessment has acknowledged the existence of otter, great crested newt (GCN), water vole and bats within the wider environs of the proposed development.
- 3.20 The assessment of ecological effects confirmed there to be no direct impacts arising in respect of any designated or non-designated site of importance for nature conservation. While no direct impacts have been deemed to exist in respect of the *protected species* of water vole, GCNs, otter, bats and certain species of birds for the duration of the proposed mineral extraction operations, "significant beneficial" effects are considered by the applicant company's appointed expert to potentially occur upon restoration, 'after-care' and on-going management of the site in the interest of nature conservation.
- 3.21 With respect to flora, the protected species of *Thyme Broomrape* has been confirmed as not being present within the area of the proposed development and concluded, therefore, to not being subject to any direct impacts.

Furthermore, with the exception of a 20 metre long stretch to accommodate a proposed haul road, no further length of hedgerow is proposed to be directly impacted through loss; rather upon restoration, a length of 1,150 metres of new hedgerow is proposed to be planted.

- 3.22 The assessment found potential indirect impacts upon nature conservation interests may occur through the generation of noise and dust and through changes in both ground and surface waters. However, taking into account the experience gained during the past sixteen years of mineral working activities to the north of the river, the expert opinion of the consultant is one that “*there would not be any significant adverse impact on any habitats or species present adjacent to the application area*” arising from either noise or dust generation provided that measures proposed in mitigation continue to have effect. With respect to surface and groundwater impacts, again, the expert view expressed is that it would not anticipate any significant effects upon any surface and/or ground water-dependant habitats or species, but that where effects would be expected to occur, they would be temporary in nature. Notwithstanding the anticipated absence of any foreseen effects, a *Monitoring & Water Level Management Plan* is proposed by the applicant company as a precautionary measure.
- 3.23 With respect to *birdstrike*, the design/method of mineral working has been such that there are no islands proposed, a continuous reed bed belt is proposed around the lake and goose-proof fencing would be installed around the aforementioned reed beds and this is proposed to be supported by the implementation of a *Bird Management Plan*.
- 3.24 This particular section of the Environmental Statement was both revised and updated through the submission of the ‘*Further Environmental Information*’ in December 2016. The December 2016 submission also comprised of a ‘[Geomorphological Assessment](#)’ (explained as a *fluvial audit* (i.e. an understanding of the broad sediment system and channel processes) of the proposed extension area in order to ascertain the current form and dynamics of the River Ure and the Light Water tributary) undertaken at the behest of Natural England in response to consultation on the application as it was considered that the impacts on river levels and geomorphological stability had not been considered in such detail sufficient enough to support the applicant company’s conclusion that no significant impact upon the river would occur. The appointed consultants, AECOM, concluded there to be “*very slow and intermittent, but progressive movement of the River Ure in a southerly direction creating the Pennycroft floodplain as it does so*” and a “*small area of channel activity close to The High Batts Nature Reserve has generated some erosion into the Pennycroft area, however the rate of change in the last decade has been almost undetectable*”. As a result of changes to flow pattern, the risk of severe erosion into the proposed extension area is predicted to be reduced.
- 3.25 In addition to the submission of a ‘*Geomorphological Assessment*’, at the same time, the applicant company submitted for consideration by the County Planning Authority an ‘[Assessment of effects upon the Ripon Parks SSSI](#)’ prepared by AECOM which revised the previously submitted [assessment](#) submitted in February of last year. The report has acknowledged that there exists the potential for indirect effects on the SSSI through noise and dust and upon the

protected species of great crested newt (GCN) and lamprey through changes to surface and ground water levels and volumes. In mitigation, the proposals include the 'setting back' of the haul road from the SSSI by five metres and the use of a suppressant to reduce dust generation and in respect of GCN, the separation distance of 500 metres has been considered to be sufficient to conclude there to be no effects predicted and similarly with regard to lamprey, their life-cycle is such that the proposed development is not considered to give rise to significant adverse effect. The updated assessment also reaffirmed the applicant company's proposal to increase its original 20-metre 'buffer' from the SSSI to 80 metres.

3.26 The 'Further Environmental Information' submitted in December 2016 was also accompanied by a [draft Habitat Management Plan](#) (revision C) (spanning five years of 'after-care' and twenty-one years of extended habitat management) which has as its aims the creation of:

- 10 hectares of eutrophic/mesotrophic standing open water;
- 4 hectares of associated fen, marsh and swamp habitat with shallow reed fringed margins;
- 1 hectare of reed bed created adjacent to the *High Batts Nature Reserve*;
- 7.5 hectares of wet woodland and ditches to restore part of the site to the original 1697 Norton Conyers estate plan and a further 3.5 hectares of wet woodland along the eastern boundary of the site and within an 80 metre 'buffer' to the north;
- 5 hectares of mosaic habitat of smaller areas of wet and dry woodland, bare ground, shingle islands, gravel areas, grassland, scrub, swamp, permanent and seasonal small ponds; and,
- 1,150 metres of hedgerows to improve landscape character and create habitat

as well as a permissive footpath from the *Ripon Rowel Walk*, a bird hide, viewing point and an interpretation board.

3.27 In addition to the 'draft Habitat Management Plan' has been the submission of [planting proposals](#) for the 80-metre wide 'buffer' in the northern section of the proposed area of extension.

Soils & agriculture

3.28 The soil resource of the area of the proposed development (covered in [Section 6](#) of the applicant company's submitted Environmental Statement) have been described within the application details as "deep stoneless permeable soils. Some fine loamy soils variably affected by groundwater. Over gravel in places" and approximately 1.2 hectares classified as *Grade 1* ('excellent quality'), 9.6 hectares classified as *Grade 2* ('very good quality') and 7.7 hectares of *Grade 3a* ('good quality') i.e. 18.5 hectares of land referred to as 'best and most versatile land' (BMV) (using DEFRA guidance at the time of the application's submission in 2011)). The remaining (approximately 12.4 hectares) has been classified as *Grade 3b* ('moderate quality').

Hydrology & hydrogeology

3.29 [Section 7](#) of the applicant company's submitted Environmental Statement conveys the assessment of the likely significant impacts of the proposed development upon both hydrology (i.e. water and its characteristics in the

environment (particularly in relation to movement on land) and hydrogeology (i.e. water and its characteristics in the environment (particularly in relation to movement underground)).

- 3.30 The applicant company's Environmental Statement, as submitted, was accompanied by a [Hydrological and Hydrogeological Impact Assessment](#) (prepared by consultants, Hafren Water, on behalf of the applicant company) and a [Flood Risk Assessment](#) (also prepared by Hafren Water).
- 3.31 The first of the aforementioned assessments defined the prevailing baseline conditions, identified the potential impacts of the proposed development, proposed appropriate measures in mitigation and identified any residual effects arising thereafter.
- 3.32 The applicant company currently holds a consent to discharge to the River Ure subject to a maximum level of 10,000m³/day at a rate of flow not exceeding 115 l/s and with a suspended solids restriction of 30 mg/l as well as possessing two licences to abstract groundwater; the first at a rate of 2m³/hour (or 1,800 m³/year) and the second 410m³/hour (or 820,000 m³/year). It has explained that groundwater has been monitored using twenty-six boreholes installed both within the area of the proposed development and adjacent land for a period of just over twenty years providing baseline data.
- 3.33 The method known as '*dewatering*' is currently employed for the purpose of dry working the mineral. This method maintains levels at 24.5 metres AOD. Of the commercial mineral reserve that has been estimated by the applicant company to exist, the average thickness of mineral which lies saturated (i.e. below the watertable) has been estimated to be in the region of 9.9 metres. Dewatering would suppress groundwater levels to approximately 18 metres above ordnance datum (mAOD) (a depression of some 8.56 metres from a baseline level of 26.56 mAOD).
- 3.34 The issue of subsidence, resulting from the dewatering process, in respect of the closest residential property to the proposed development, *North Parks Farm*, has been explained by the applicant company as having been considered as part of its proposals and has explained that an independent surveyor would undertake a '*schedule of condition*' report for the farmhouse that would "*seek to reassure the owner /occupier of the property that in the unlikely event that subsidence did appear that all parties would have an accurate record of the condition of the property prior to mineral extraction starting in the extension area*". The applicant company has further explained that it has already installed a piezometer adjacent to the property to monitor any changes in the groundwater level.
- 3.35 The consultants acting on behalf of the applicant company have assessed there to be an absence of risk in respect of sensitive habitats and that both the current '*Water Management Plan*' at site and existing mitigation measures are sufficient to prevent adverse impact. Notwithstanding, in acknowledging the importance of these habitats, the applicant company has proposed to continue to monitor water levels at the existing piezometers and gauging boards for the duration of the proposed development.

- 3.36 Following comments from interested parties received during the course of the processing of this application (particularly those with regard to the SSSI including the *High Batts Nature Reserve*), the applicant company chose to commission ESI Ltd (soil and groundwater specialists) to produce a [‘Supplementary Hydrogeological Report’](#) (dated July 2015) which was submitted to the County Planning Authority for consideration. With particular respect to the *High Batts Nature Reserve*, the experts appointed by the applicant company have stated there to be “*no evidence of drawdown occurring on the south side of the river*” when dewatering on the north side and this would similarly be expected to be the case with regards the proposed extension area. Having assessed the relevant hydrogeology, the experts have explained that they believe the Nature Reserve to be supported by a ‘*perched*’ water table that is, in their view, “*unlikely to be influenced by drawdown*”. An increased ‘*stand-off*’ buffer of 40 metres as well as regular monitoring of river levels would assist in mitigating against the effects of ‘*drawdown*’.
- 3.37 Further to representations, particularly those from Natural England, in response to the County Planning Authority seeking comments on the application, the applicant company’s appointed consultants, ESI Ltd, submitted an [updated Hydrogeological Impact Assessment](#) in December 2016 which included:
- a review of the baseline hydrogeology for both the site and its environs;
 - the identification of those whom/which may be affected and an assessment of those impacts; and,
 - recommendations for appropriate monitoring and mitigation measures.
- 3.38 The consultants, ESI Ltd, confirmed that dewatering would continue to be required if sands and gravels are to be efficiently exploited from the proposed area of extension. It was reaffirmed that whilst a strong hydraulic connection exists between the proposed workings and the River Ure, water from the river that would recharge the sand and gravel aquifer due to drawdown caused by quarry dewatering would eventually return to the river via quarry discharge. In assessing the impacts of the proposed development, with particular regard to the *High Batts Nature Reserve*, the consultants have concluded that the restoration proposals of a series of lakes would serve to “*enhance the capacity of the Site to support wildlife and provide recreational activities*” and while causing “*up-gradient groundwater levels to be reduced*” and “*downgradient groundwater levels to be increased*” could potentially cause a long-term reduction in groundwater levels in the deeper aquifer beneath the upgradient *High Batts Nature Reserve*, this is thought, in their expert opinion, to be small.

Flood Risk

- 3.39 The application, as originally submitted, was accompanied by a [Flood Risk Assessment](#) (FRA). This has assessed both flood risk to the site and flood risk to the environs around the proposed site. It has noted that the existing workings to the north of the river are subject to a *Water Management Plan*. While the majority of the quarry processing plant lies within Flood Zone 1 (i.e. land with a less than 1 in 1,000 annual probability of flooding), land to the south of the river lies, for the most part, within land identified as Flood Zone 3 (i.e. land that has a 1 in 100 or greater annual probability of fluvial flooding). Significantly, part of the proposed extension area lies within sub-Zone 3b which comprises land with a >5% annual chance of flooding and is referred to as ‘*functional floodplain*’.

- 3.40 The FRA has explained that the approach to water management within the area of the proposed development would be to continue that which has been the practice previously. The proposal would involve the creation of a 'sump' within the quarry floor that would collect water and this would then be pumped either to the river itself or to a clean water lagoon in the location of the existing processing plant area. The FRA had confirmed that upon the completion of proposed operation, the topography of the resultant landform would not alter ground levels from existing to any materially significant degree. Furthermore, the FRA has reviewed the proposed measures put forward in mitigation and has concluded that such proposals would represent a continuation of current on-site water management. These measures revolve around various strategies. These include a drainage strategy which identifies run-off destinations, maintaining river bank inspections for any erosion and the implementation of a flood warning system. Additionally, the FRA has confirmed that the implementation of the restoration plan would also contribute to managing flood risk once mineral extraction operations have ceased and furthermore, concluded that *"the proposed works have little potential to significantly impact upon surface water flows within the adjacent River Ure"*.
- 3.41 In acknowledging the site's location within an area notified for flood alerts, the applicant company's appointed experts have recommended that rather than the construction of physical flood defences, an allowance for 'natural breaching' been chosen as the solution, explaining that taking into account the small difference in topographic level between the river and the proposed area of extension, water inundation would be *"rapid and most likely benign"*. This approach, in their view, would have a positive impact of providing flood storage, while at the same time, having no negative upstream or downstream impacts.
- 3.42 During the course of the processing of the application, the applicant company has commissioned Envireau Water to investigate specifically the operational issues relating to flooding and geotechnical stability of the 'standoff' (in-situ) material between the river and the excavation. The report, ['Pennycroft \(Ripon\) Extension Flood Review'](#) (dated 10th March 2014) has been submitted to the County Planning Authority for consideration. As a result of the investigation to ensure that the operations could be managed with regards flood risk so that the site floods in a controlled manner and thereby minimising the geotechnical risk, the proposed 'stand off'/'buffer' from the river has been increased. The 2014 ['Pennycroft \(Ripon\) Extension Flood Review'](#) explained that one of the measures in mitigation would take the form of an increased 'stand off'/'buffer' from the river to 40 metres. Where this is now even less likely is the revision to the 'buffer' between the river and the workings which has increased to an 80-metre wide 'stand-off' (in the north-western section). Furthermore, there is proposed no reduction in flood storage capacity.
- 3.43 It should be noted that the assessments of flood risk and drainage have been subject to revision during the course of the processing of this application such that the 'Hydrology & hydrogeology' chapter within the originally submitted Environmental Statement has been updated and the *Flood Risk Assessment* of 2011 and the *Flood Review* of 2014 have now been superseded by a [revised Flood Risk Assessment](#) prepared by ESI Ltd on behalf of the applicant company in their December 2016 'Further Environmental Information' submission.

- 3.44 This most recent assessment has aligned the original assessment with national planning policy within the National Planning Policy Framework (NPPF) published in 2012 and has incorporated recent changes to climate change allowances as well as revisions made to the original development proposals. FRAs are required to consider all potential risks both to and from any proposed development. The revised FRA for the proposed development takes into account an increased '*stand off / buffer*' of 80 metres separating the River Ure (as well as 20 metres separating the SSSI) from the proposed development and proposes a flood warning system be implemented were the proposed operations to take place.

Cultural heritage/archaeology

- 3.45 The [Historic Landscape Assessment](#) submitted by the applicant company describes the proposed development's historical setting stating, *inter alia*, "approximately 90 m to the east across the River Ure is the boundary of the Norton Conyers Grade II Registered Park and Garden of Historic Interest, that forms the setting of the Grade II* Listed Building of Norton Conyers, a late medieval manor house (which is approximately 1 km to the east) [...and...] Seven scheduled monuments are present within 3 km of the site, the closest being Castle Dikes defended roman villa approximately 600 m to the south west; though due to woodland cover it is not possible to see the site from this location. The deserted medieval village of East Tanfield is located 1.2 km north of the site; views from this location are again screened by woodland and topography.
- 3.46 The Assessment acknowledges that, notwithstanding the absence of any direct effect upon the heritage asset of Norton Conyers, its setting is "sensitive to changes in direct views and 'borrowed views' (views to and from beyond the boundaries of the estate) that contribute to the wider character of the landscape."
- 3.47 The *Historic Landscape Assessment* points to the preservation of views both from and toward Norton Conyers as a means of mitigating the effects of the proposed development.
- 3.48 In addition to the assessment of the historic landscape impacts that have been assessed within the earlier referred [Landscape & Visual Impact Assessment \(LVIA\)](#) and [Historic Landscape Assessment](#), the applicant company commissioned Andrew Joseph Associates to submit a [Cultural Heritage Assessment](#).
- 3.49 The national Landscape Character Area in which the application sits, the 'Southern Magnesian Limestone LCC', is described as being characterised by "well-drained soils, reasonable good climate and low altitude [that] has created a landscape of rolling landform, fertile farmland and well-wooded estates cut by numerous dry valleys' whose key characteristics include:
- large number of country houses and estates with parkland, estate woodlands, plantations and game coverts;
 - woodlands combining with open arable land to create a wooded farmland landscape in some parts;
 - river valleys and gorges cutting through the ridge exposing the underlying rock; and

- *archaeological remains reflecting the long-standing importance of the area for settlement and transport.*

- 3.50 While several *Scheduled Monuments* lie within a cordon of 3 kilometres from the area of the proposed development, the assessment has explained that none lie any closer than 1,100 metres from the area of extraction (and 600 metres from the location of proposed soil bunds) to the south-west; namely, [Castle Dikes defended Roman villa](#). Similarly, while listed buildings lie further afield than a kilometre, one lies within that distance; namely *Middle Parks Farm* although, again, the topography of the immediate environs and mature woodland in the intervening distance renders no intervisibility (i.e. mutually visible). Again, this is similarly the case with regard to proximate *Conservation Areas*, where the closest to the proposed development lies over a kilometre distant within the village of Wath.
- 3.51 The assessment has explained that it has recognised the significance of the protected landscape of Norton Conyers and its Park and Gardens and identified them as a “*key driver in designing the working and restoration of the proposed extension*” and as an important influencing factor in the enhancement of the landscape outwith those designations. The assessment found that views from the house itself were “*generally orientated...away from the extraction area*” and from the surrounding parkland only limited distant glimpses could be gained of the area of the proposed development due to the many trees within the intervening distances. Where glimpses of the proposed development have been assessed as possible, the proposed measure in mitigation is that of ‘*gapping up*’ of existing landscaping to prevent such glimpses and wet woodland planting on in the south east corner of the proposed extraction area. This would align with the recreation of the landscape pertaining in the late 17th century. The assessment has concluded minimal change to the setting of the House, Park and Gardens would occur and the effects of the proposed development considered by the applicant company’s appointed experts to be “*not significant*”.
- 3.52 With regard to archaeological investigations undertaken to date, the assessment has explained that “*despite a thorough approach to identifying potential archaeological features, supported by watching brief, no significant archaeological features have been identified within the current quarry since 1998*”. Notwithstanding this absence of finds, the assessment has recognised that the proposed development lies within an area of considerable interest to archaeology as it is situated within a prehistoric landscape of national importance wherein the remains of three henges and associated monuments make up the [Thornborough Henges](#) complex exist.
- 3.53 The assessment has gone on to explain that within the proposed extraction area “*the field-based evaluation revealed no evidence of archaeological features or deposits. Given that the area is and has been prone to flooding from the Ure, which itself has shifted channel on numerous occasions across the field, it is unsurprising that it was not attractive to human occupation*” and it concluded the archaeological potential of the proposed extraction area to be “*very low*”; thus, any substantial harm upon archaeology is, in the expert’s opinion, thought “*unlikely*”. Any impacts upon potential areas of archaeological interest are proposed to be mitigated by preservation *in situ* i.e. no mineral extraction

activity taking place in the respective areas and where top soil is proposed to be removed, employing an *archaeological watching brief*. The expert's conclusion has been to find there to be neutral effect upon interests of archaeological importance in this particular instance.

Material assets

3.54 While identified as a separate section within the Environmental Statement, the detail with regards material assets (i.e. buildings and infrastructure, services, residential properties, public roads and rights of way, archaeology and agricultural land) is, for most part, covered by the other topic-specific sections therein.

Noise

3.55 [Section 10](#) of the submitted Environmental Statement, prepared by Vibrock Limited (a company retained to carry out noise monitoring on the existing quarry), comprises the [Assessment of Environmental Impact of Noise](#). The audibility of sound ranges from 0 decibels (dB) to 140 dB with a continuum from, for example, a countryside location approximating to 30dB, normal conversation at 60dB up to 100dB being typical of a pneumatic drill. Background noise is measured as LA90 during which noise levels are exceeded for 90% of the time. An amalgam of all levels is measured as LAeq (the equivalent continuous sound pressure level) and this will always be higher than the LA90 value.

3.56 The assessment explains that the current mineral operations at Ripon Quarry are subject to controls through the conditions imposed upon the planning permission for the site from which the current operator takes benefit. These controls include restrictions to daytime noise levels emanating from the site to less than 55 dB LAeq,1h at “any occupied property”.

3.57 The following ‘worst-case’ likely predicted noise levels (i.e. when operations are undertaken at their closest distances and greatest heights to sensitive properties and therefore have the greatest influence on the noise levels) have been assessed by the appointed consultants for operations excluding temporary operations (such as soil stripping):

Location	LAeq,1h dB(A)	LA90,1h dB(A)	Noise climate influenced by:	Phase when most likely affected	Proposed noise limit LA90,1h dB(A)
North Parks Farm	47	35	local farming activity, distant road traffic, bird song and occasional aircraft	2	55
High Green Cottage, North Stainley	52	39	road traffic noise, bird song and leaf rustle	All phases	49

Location	L _{Aeq,1h} dB(A)	L _{A90,1h} dB(A)	Noise climate influenced by:	Phase when most likely affected	Proposed noise limit L _{A90,1h} dB(A)
Manor Farm	47	35	<i>farming activity, road traffic, occasional aircraft noise and leaf rustle</i>	2	45
Bellflask House	53	42	<i>leaf rustle, bird song, distant road traffic and quarrying activity</i>	2	52
Rushwood Lodge	59	41	<i>dominated by road traffic noise, but leaf rustle, bird song and occasional light aircraft were also audible</i>	<i>During closest approach</i>	51
Norton Mills	48	36	<i>farming activity, leaf rustle, bird song and occasional aircraft</i>	4	46
Keepers Lodge			<i>[The measured background noise level at Norton Mills was considered by the applicant company's expert to be equivalent to that at Keepers Lodge]</i>	5 <i>(temporary soil stripping operations)</i>	46

3.58 The noise consultant has explained that “*in the majority of instances*”, the ‘*worst case*’ noise levels would be anticipated to be below background levels plus 10 dB L_{Aeq,1h}, but nevertheless below the national maximum guidance level of 55 dB L_{Aeq,1h}. The exception to achieving the ‘*plus 10 dB above background*’ level is that predicted for the property of *North Parks Farm*. In this particular instance, the applicant company proposes options including screening (either using fencing or straw bales), monitoring and/or installation of secondary glazing in mitigation.

3.59 For temporary operations, such as soil stripping etc., the noise consultant has predicted that noise levels that would be expected to be experienced would fall below the maximum limit cited within national guidance, i.e. 70 dB L_{Aeq,1h}.

3.60 The applicant company’s appointed expert has considered the undertaking of the proposed development to be capable of remaining within the current noise level restrictions without giving rise to undue harm to local residential amenity.

Dust

3.61 [Section 11](#) of the Environmental Statement, as originally submitted, covers the air quality issue of dust and its potential significant effects arising from the proposed development. Vibrock Limited prepared the assessment on behalf of the applicant company.

3.62 The assessment has acknowledged that the generation of dust is a likely consequence of the proposed activity of mineral extraction; though both its scale and severity are capable of being controlled to within acceptable limits

through the undertaking of day-to-day best practice environmental management. Furthermore, in undertaking the assessment, consideration has been given to the applicant company's proposals with regards the site's susceptibility to fugitive dust emissions. Parameters such as prevailing wind speeds and direction as well as average rainfall data have been used in the assessment and as a benchmark, the expert asserts that a typical level of daily dust deposits arising from agriculture-related activity, road traffic and mineral operations would be in the region of 39 (milligrams per square metre per day) (mg/m²/day).

- 3.63 So as to determine the afore-mentioned assertion, the expert undertook to survey dust deposits at six locations in the vicinity of the proposed development, namely, *Bellflask House, Manor Farm, Rushwood Lodge House, North Parks Farm, Norton Mills Farm and Plaster Pitts Farm*. With results ranging between 19 mg/m²/day up to 30 mg/m²/day, the theoretical level of deposit of 39 mg/m²/day is not exceeded.
- 3.64 The expert has explained that *“a dust event will only occur if the necessary conditions are present. It is necessary to have a fine material available which is able to be picked up, carried and then deposited by the wind. Such materials are more readily available if dry and physically disturbed. Thus, not all site operations are dusty because of the lack of physical disturbance. There must also be a wind of sufficient strength to transport fine particles, and for a particular property to be at risk the wind must blow in that particular direction from the source”* and *“for a dust event to occur, there must be a failure of dust control measures”*.
- 3.65 In order to exceed national air quality objectives, the proposed development would have to give rise to daily levels of particulate matter (PM₁₀) in excess of 50 micrograms per cubic metre. At a calculation of 13.6 micrograms/m³, the site is, in the opinion of the appointed expert, not likely to exceed national air quality objectives.
- 3.66 As well as undertaking visual assessments of dust generated from site activities and, in the event, during adverse weather conditions, temporary suspension of operations, a number of additional dust control measures have been identified as appropriate ways of ensuring effective mitigation if they are implemented. These measures are identified in the following table extracted from the Environmental Statement:

Site operation	Proposed dust control measures
<i>Mineral Extraction</i>	<i>Haul routes to be regularly maintained by grading to minimise dust generation; Water to be used as required; Drop heights to be minimised; Screening bunds and subsoil store to be vegetated/seeded soon after completion; Much of the sand and gravel retains an appreciable water content which reduces dust emissions. Progressive restoration minimises the area subject to wind erosion. Mobile plant exhausts and cooling fans to point away from ground;</i>

Site operation	Proposed dust control measures
	<i>All plant to be regularly maintained. Controlled use of fixed short haul routes</i>
<i>Haulage of material within and off the site</i>	<i>Haul routes to be regularly maintained by grading to minimise dust generation; Water with calcium chloride added to be used as required on haul routes and access road. The haul route will be capped with recycled asphalt in order to minimise dust generation. Speed controls to be implemented on all haul routes. All laden lorries leaving site are to be sheeted. Approaches of the access road with public roads to be regularly maintained.</i>
<i>Processing of mineral</i>	<i>Plant to be refurbished during 2011 and to be regularly maintained. Processing plant to utilise water. Drop heights to be minimised. Plant not to exceed design capacity.</i>

- 3.67 The appointed expert has concluded, taking into account the intended dust control measures, with confidence, the site to be capable of continuing to operate “with minimal impact on nearby boundary locations”.

Traffic & highways

- 3.68 [Section 12](#) of the submitted Environmental Statement comprises the ‘*Transport Statement*’ (prepared by a firm of consulting civil & transportation planning engineers (Bryan G Hall) in support of the application and covers matters relating to demonstrating the junction capacity with the A6108, highway safety and the potential for highway improvements.
- 3.69 The *Transport Statement* has explained that daily two-way vehicle movements were expected to be in the region of 42 in total at a rate of production of 220,000 tonnes per annum; however, nine of these movements were stated to have related to HGV movements. An intensity of movement of one per hour was stated as being ‘*typical*’. However, this level of vehicle movements was believed to be significantly affected by the economic downturn and has therefore been thought to be some 38% of the ‘*normal*’ level of vehicle movements. A rate of mineral extraction of 220,000 tonnes per annum using 20-tonne HGVs and existing hours of operation (i.e. 0700 to 1800 hours Mondays to Fridays and 0700 to 1200 hours on Saturdays) had been assumed for the purpose of the preparation of the 2011 *Transport Statement*.
- 3.70 It is important to note that in a submission to the County Planning Authority for the purpose of seeking an extension to the time in which to continue to extract sand and gravel to the north of the river, the applicant company’s 2015 *Transport Statement* stated levels of 117 two-way HGV movements (61 in and 56 out) (an average of 10 per hour). This relates to levels based upon 250,000 tonnes per annum. HGV movements constitute approximately 70% of vehicle movements generated by the quarry.
- 3.71 Notwithstanding the above, the appointed expert’s stated view in both *Transport Statements* has been that the vehicle movements generated by the proposed development are unlikely to intensify and concluded that the existing access

and highway infrastructure to be both adequate for the purpose as proposed and capable of operating “*in a safe and efficient manner without detriment to other road users on the local highway network*”.

Other matters considered:

Alternatives

- 3.72 The applicant company has sought to address the issue of assessing alternatives to the proposed development whilst acknowledging the difficulties of so doing in relation to minerals development i.e. [minerals can only be worked...where they naturally occur](#) (Source: National Planning Practice Guidance, 2014).
- 3.73 Notwithstanding, the applicant company has explained that it has considered the substitution of primary-won aggregates with the use of secondary or recycled aggregates, but has pointed out that “*many aggregate products are of a high specification requiring the use of quality primary aggregates*” and issues of inconsistency and availability render substitution, in many instances, an unviable and unsustainable alternative to that which is proposed.
- 3.74 That which is proposed in this current application comprises an extension to an existing mineral extraction operation with proven mineral deposits in commercial quantities attached to which exists the requisite processing plant already ‘*in situ*’. An alternative proposal to take land at a new site without the necessary infrastructure in place would be constitute a less sustainable alternative.

Information submitted to support the application during its processing

- 3.75 During the course of the processing of the application and, as a result of responses to consultation with statutory consultees, in particular, Natural England, (as will be discussed later within this report), the proposals have been revised and, in so doing, have resulted in alterations to the estimates originally provided by the applicant company. An increase in the ‘*buffer*’/ ‘*stand-off*’ distance from the River Ure (adjoining the *High Batts Nature Reserve*) has meant that the proposed extension area’s revised estimate of reserves amounts to 3.02 million tonnes (at 1.85 tonnes/cubic metre) and, therefore, half a million less than originally proposed; thereby bringing the duration of mineral working down to approximately thirteen (13) years as opposed to the original fifteen (15) years, but still to be worked in six phases and, while the restoration proposals continue to provide for a lake (of depths between 7 and 10 metres), the revised proposals have seen this reduce in area from 11 hectares down to 10 hectares. Further revisions include a decrease in the quantity of open mosaic habitat (comprising “*areas of wet and dry woodland, bare ground, gravel areas, grassland, scrub, swamp, permanent and seasonal small ponds*”) from 7.5 down to 5 hectares, but the original proposals of four hectares of new reedbeds, shallow reed fringe margins, ditches and ponds remain unchanged and the area of wet woodland is proposed to be increased from the originally proposed 7.5 hectares to 11 hectares and the planting of new hedgerows would amount to a total of 1,150 metres.
- 3.76 The applicant company has explained that the restoration proposals have had as their overall objective the balancing of the interests of amenity, nature

conservation and the historical setting of *Norton Conyers Park and Garden* and they have been influenced by the objectives of the *Biodiversity Action Plan* for Harrogate as well as having been informed by the aforementioned impacts assessments upon interests such as ecology, landscape, visual impact and cultural heritage. A [‘Final Restoration Plan’](#) (drwg no. U9h/206 RevC, dated Oct 2011) showing the context of the proposed extension with the previous areas of working has been provided by the applicant company.

- 3.77 In addition to the statutory five-year ‘*after-care*’ period mandated for permissions for mineral working, the applicant company has proposed that the site would be managed for a period of twenty-one (21) years of extended management in order to “*ensure the successful development of the restored site and the establishment of group partnerships linked to the amenity and wildlife interest in the area*”. In more detail, the signatories to the Agreement undertake to submit a *Habitat Management Plan* within six months of commencement of the proposed development that will be subject to both review and approval every five years, submit within six months of commencement the *Ripon Parks SSSI Management Scheme*, establish a *Habitat Management Committee*, carry out the *Norton Conyers off-site tree planting* within three years of commencement with five-year maintenance and covenant that “*no Water Activities shall take place at the Site during the Management Period*”. It proposes to achieve this through the mechanism of a legal agreement prepared under the provisions of Section 106 of the Town & Country Planning Act 1990. A [draft of the agreement](#) was submitted to the Authority for consideration on 27th June 2017 and has been on deposit on Part One of the statutory planning register held at the offices of Harrogate Borough Council as well as being available to view on the County Council’s Online Planning Register such that interested parties may make comment thereon. Members are asked to note that the expert views of relevant consultees have also been sought on behalf of the County Planning Authority.

Further environmental and other additional information submitted

- 3.78 The applicant company’s ‘*Further Environmental Information*’ submission in December 2016 included revised phasing, working and restoration plans for consideration by the County Planning Authority and replaced earlier submissions made. These included:
- [Sequence and Direction of Working \(drwg no. U9H/196 F, Aug 2016\)](#) ;
 - [Site Establishment and Phase 1 Works \(drwg no. U9H/197 F, Sept 2016\)](#) ;
 - [Phase 2 Working and Restoration \(drwg no. U9H/198 G, Aug 2016\)](#) ;
 - [Phase 3 Working and Restoration \(drwg no. U9H/199 F, Sept 2016\)](#) ;
 - [Phase 4 Working and Restoration \(drwg no. U9H/200 F, Sept 2016\)](#) ;
 - [Phase 5 Working and Restoration \(drwg no. U9H/201 F, Sept 2016\)](#) ;
 - [Phase 6 Working and Restoration \(drwg no. U9H/202 F, Sept 2016\)](#) ;
 - [Final Restoration Earth Movements \(drwg no. U9H/203 F, Sept 2016\)](#) ;
 - [Final Restoration Plan \(drwg no. U9H/204 H, Sept 2016\)](#) ;
 - [Cross Section A-A1 Through Wet Woodland \(drwg no. U9H/205 C, Sept 2016\)](#) ;
 - [Cross Section B-B1 Through Bird Hide, Shallows and Lake \(drwg no. U9H/207 B, Sept 2016\)](#) ;
 - [Cross Section C-C1 Through Shallows, Lake and Shingle Area \(drwg no. U9H/213 B, Sept 2016\)](#) ; and,
 - [Cross Section D-D1 Through the Batts and Reedbed \(drwg no. U9H/213 A, Sept 2016\)](#) .

- 3.79 In addition to the above, the applicant company, as a result of consultation responses received by the County Planning Authority, submitted for consideration, in December 2016, a '[Geomorphological Assessment](#)' prepared on behalf of the applicant company by AECOM. Also prepared by AECOM on behalf of the applicant company was the submission of an updated '[Assessment of Effects upon Ripon Parks SSSI](#)' (December 2016) and an updated '[Flood Risk and Drainage Assessment](#)' and '[Hydrogeological Impact Assessment](#)' were prepared by ESI Environment Specialists. Additional information with regards to '[Outfall Proposals](#)' had been prepared by Land Drainage Consultancy Ltd, a further revision (Rev C) of the '[Habitat Management Plan](#)' prepared by DRaW (UK) Ltd as well as the '[River Ure Buffer Planting Proposals](#)' were submitted for consideration.
- 3.80 Furthermore, the County Planning Authority has been informed of further discussions having taken place between the applicant company and the Environment Agency regarding the original Groundwater & Surface Water Monitoring. A [revised Groundwater and Surface Water Monitoring Scheme](#) (dated June 2017) has now been duly submitted to the County Planning Authority for consideration together with a [letter of confirmation](#) from the Environment Agency of their satisfaction with the revised Scheme.
- 3.81 More recently, submissions have been made to the County Planning Authority for consideration including:
- [an updated Phase 1 Habitat Survey](#) (July 2017) prepared by AECOM¹ ;
 - a [Dust Management Action Plan](#) submitted under cover of e-mail dated 1st August 2017; and,
 - the applicant company's [Comments on the Draft Schedule of Planning Conditions](#)

4.0 Consultations

- 4.1 The comments of those with whom the County Planning Authority has consulted are summarised below and relate to consultations undertaken on the 8th December 2011 (the '*2011 consultation*'), a further round of consultation in the August of 2014 (the '*2014 consultation*'), a third consultation in March 2016 (the '*2016 consultation*') and, more recently, in January of this year (the '*2017 consultation*') as a result of subsequent further environmental information having been submitted by the applicant company in January and December 2013, March 2014, July 2015, February and December 2016 relating to the following:
- an '[Addendum to the Landscape & Visual Impact Assessment](#)' prepared on behalf of the applicant company by Golder Associates (January 2013);
 - additional working and restoration drawings (December 2013);
 - *Ripon Flood Technical Review* (March 2014);
 - *Ripon Quarry: Walkover Survey of the High Batts Nature Reserve* prepared by AECOM on behalf of the applicant company (July 2015);

¹ this is designed to map any habitats that may be present within an area; sometimes an extended survey is warranted and this might include more detailed information on hedgerows, a botanical species list, and perhaps an appraisal of habitats of any '*protected species*' that might be present
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- *Ripon Pennycroft: Supplementary Hydrogeological Report* (July 2015) prepared by ESI Ltd on behalf of the applicant company;
- revised working and restoration drawings (July 2015);
- revised and additional phasing and restoration drawings (February 2016);
- an addendum to the *Ecological Statement: Assessment of Effects on Ripon Parks SSSI* (February 2016);
- an addendum to the *Hydrology and Hydrogeology Statement: Supplementary Hydrogeological report* (February 2016);
- an addendum to the *Hydrology and Hydrogeology Statement: Flood Review* (February 2016); and,
- *Further Environmental Information* (December 2016).

4.2 The comments of a number of organisations/bodies have been sought in respect of this particular application either as a result of a statutory duty to do so or at Officer discretion.

4.3 **Harrogate Borough Council (Planning)** (incorporating comments of the Borough Council's *Rural Strategy Officer* and *Environmental Health Officer*) – in a response received on 26th January 2012 stated that whilst “*the site has no special landscape designation [...] it is bounded by two sites of Special Scientific Interest to the west and north of the site*” it therefore returned an objection to the proposed development.

The Borough Council's *Rural Strategy Officer* commented that the creation of “*a large, very deep water body immediately adjacent to the River Ure (part of Ripon Parks SSSI) may have adverse impacts on the riparian SSSI and its floodplain and on features that have been identified as qualifying this section of the river as an ‘active shingle river’, a key element of the UK BAP priority rivers habitat*” and that “*these potential adverse impacts have not been fully addressed in the Environmental Statement*”. The Officer goes on to state that the Ripon Parks SSSI “*comprises a range of habitats associated with the River Ure and adjacent land. These include running water, riverbanks, scrub woodland, marsh and ponds, permanent pasture and calcareous grassland. This relatively undisturbed reach of river with shingle beaches is important for breeding birds including kingfisher, and waders such as oystercatcher*” and commented that the river is “*clearly of fundamental importance*” in the citation of this ribbon-shaped SSSI.

It was further quoted that, for active shingle rivers “*this habitat comprises those rivers which have significant reaches composed of a gravel or pebble bed material...and having characteristic suites of features generated by the processes of erosion, sediment transport, deposition, and storage...Typically, these rivers have extensive reaches of gravel, pebble and sand bed material in their middle reaches and in the piedmont zone, these shingle deposits being associated with a wandering, dynamic, meandering or divided channel and active erosion and sediment deposition features. The gravel-bed reaches exhibit characteristic macro-scale bed form morphology with features including point bars and eroding cliffs, side- and mid-channel bars, and pool-riffle sequences. These features are typically unvegetated, reflecting their dynamic nature*” (source: The UK Biodiversity Action Plan Priority Habitat Description for ‘Rivers’ (updated July 2010 from: UK Biodiversity Action Plan; Priority Habitat Descriptions, BRIG, (ed. Ant Maddock) 2008)*. This, it is explained, “*highlights the dynamic nature of this habitat*” yet is not recognised within the applicant

company's submitted ES which, in the view of the Borough Council's Officer, had treated ecology, hydrology and flood risk as separate, not intertwined, issues; thereby, failing to adequately address any potential impacts.

[*Officer note to Members: the source material, referenced above, has since been updated a further time in [December 2011](#)]

In the opinion of the Borough Council's Officer, *"the proposals would impede the hydromorphological (sic.) processes which underlie its natural dynamic as an active shingle river and which give it its valued character as a UK BAP priority habitat"* and the river would be *"prevented from naturally shifting across the flood plain over time"*.

The Officer also point to a view that the applicant company's submitted *Flood Risk Assessment* as being both *"vague and qualitative"* failing to assess the effects of revetment works upon the SSSI nor any long-term potential for a breach of the river and associated impacts upon the riparian SSSI or the sustainability of the whole restoration scheme.

A similar absence of assessment of ecological effects within the ES had, in the view of the Officer, been made with regards the *'high'* likelihood of fluvial flooding at Pennycroft and thereby *"the river washing into a very deep cold lake"*

In the view of the Borough Council's Officer, the applicant company's submitted ES *"falls well short of properly addressing"*, thoroughly investigating and adequately mitigating the potential significant hydrological impacts of the proposed development.

The response of the Officer then goes on to cite PPS9; however, this national planning advice was replaced with the publication of the National Planning Policy Framework in 2012.

The Officer concludes by stating *"in my view, the only acceptable restoration scheme at this very sensitive site is one which would enhance the river's floodplain natural features. This would depend on a landform being re-created at relatively shallow levels in relation to the river and this is not likely to be possible with very deep extraction. These proposals, which would leave a great water-filled void up to 12m deep on the inside of a meander in the river, do not meet that aspiration and, in my view, are not appropriate or sustainable in such an ecologically sensitive landscape"*, but continued stating *"should the planning authority be minded to grant permission to this scheme, shooting rights over the land should be extinguished. Other recreational after-uses would only be acceptable in so far as they are compatible with restoration primarily for biodiversity enhancement. The future of the site for nature conservation may be best be ensured for the long term by entrusting it into the stewardship of a recognised nature conservation organisation"*.

The Borough Council's *Environmental Health Officer* commented on both noise and air quality issues (specifically dust) relating to the proposal.

In respect of noise, the Officer commented that *"the information provided within the noise impact assessment report No.R11.6210/01/LD identifies that*

predicted noise levels from quarrying activities at North Parks Farm will be 55dB (A) $L_{Aeq,1hr}(free\ field)$ which is 20dB (A) above normal background levels. Quarrying activities as a result of the extension will therefore be clearly audible at this property and will result in a substantial level of amenity loss to residents. Predicted noise levels at Norton Mills and Keepers Lodge will be above background levels by 10dB (A) and 5dB (A) respectively, while the rest will be either at or below background levels.

The level identified as appropriate by the applicant for North Parks Farm is the maximum permitted under Mineral Policy Statement 2 (MPS2) and 10dB (A) above background for all other locations with no separate limits for any potential tonal, peak or impulsive noise.

MPS2 identifies that [...] authorities should aim to establish a noise limit at noise sensitive properties that does not exceed the background level by more than 10dB (A). Such a level may be relaxed were it would impose unreasonable burdens on the mineral operator but in such cases the limit set should be as near that level as practicable during normal working hours (0700 -1900) and should not exceed a maximum level of 55dB (A).

[*Officer note to Members: The source material, referenced above, has since been replaced by the [National Planning Policy Framework](#) published in 2012]

Tonal, peak or impulsive noise may also require separate limits that are independent of background noise.

By setting the noise level at the maximum for North Parks Farm then information on whether unreasonable burdens would be placed upon the operator is required so as to support their proposed approach and so enable [...] a decision firstly on the appropriateness of relaxing the noise limit and secondly on setting the relaxed level to the maximum”.

The Officer recommended that further work be undertaken and noise mitigation measures implemented in advance of setting any noise levels at sensitive premises and summarised stating that *“predicted noise levels at three of the neighbouring noise sensitive premises will be above normal background levels and the resident (sic.) of such properties will be to some degree adversely affected by noise from the proposed extension, of particular concern are the noise levels at North Parks Farm. Although levels predicted are at or below the maximum permitted level as identified in Mineral Policy Statement 2 they [the applicant company] have not fully demonstrated adherence to MPS2.*

With regards the issue of dust, the Officer stated that *“although PM_{10} levels at sensitive receptors will be increased they will not breach National Air Quality Objectives [...and...] with a suitable dust management plan in place the effect will be minimised”.* The Officer recommended a condition be imposed, should planning permission be forthcoming, *“for a suitable dust management and action plan taking into account the summary of dust control measures contained in Appendix C of report No.R11.6211/4/DW, and Mineral Policy Statement 2 Annex 1: Dust. Such plans to include a complaint procedure, dust monitoring scheme, and suspension of dust generating activities during adverse weather conditions”*

The Borough Council concluded its response listing as regards its concerns the following impacts of the proposed development, but with no further elucidation of what those concerns might have been:

1. *landscape character and the visual amenity of the area;*
2. *residential amenity;*
3. *ecology and nature conservation;*
4. *flooding, drainage and pollution;*
5. *the local highway network and traffic safety;* and,
6. *heritage assets and archaeology.*

Finally, the Borough Council stated *“If the planning authority is minded to approve the application then appropriate conditions should be attached to require restoration of the entire site when the site is worked out and to prevent work on the site being carried out in a manner that would result in unacceptable planning problems”*.

No response to either the ‘2014 consultation’ or the ‘2017 consultation’ have been received.

- 4.4 **Hambleton District Council Environmental Health Officer** – responded on 9th August 2017 expressing the view as follows:
“the principal concern with respect to this development would be any accumulated noise increase. As there are no proposals to increase the limits at noise sensitive receptors or vary the conditions attached to the existing site provided these are carried through to any permission for the extension I have nothing to add to my comments [...] in relation to NY/2015/0306/ENV”.
- 4.5 **North Stainley with Sleningford Parish Council** – on 12th January 2012 returned *“no major objections to the proposals”*, but:
- raised concern about the potential impact of the proposals on the water level of the ponds in North Stainley;
 - commented that the restored lakes could be made available for quiet recreational purposes; and,
 - raised the possibility of dedicating the section of path to be created as a Public Right of Way.
- 4.6 **Ripon City Council** – in a response, received on 22nd December 2011, returned no objection to the planning application.
- 4.7 **Wath & Norton Conyers Parish Council** – responded to consultation on 18th January 2012 stating that the Parish Council *“neither objects nor supports the application”*.
- 4.8 **West Tanfield Parish Council** – in a response to consultation on the *Further Environmental Information* submitted by the applicant company, the returned comments, dated 2nd March 2017, stated:
“As a Parish Council we make no objections to this planning application. However this must include the cessation of the noise pollution 24 hours a day, the extraction and dewatering on the Northern site should stop. Plus the restoration (sic.) of the Northern site and the removal of the river crossing should be completed, before operations, soil stripping and extractions start on the South side”.

- 4.9 **Environment Agency** – in its response, dated 24th January 2012, recommended the following conditions which for the sake of ease of referencing, are numbered below:

Environment Agency recommended condition no 1:

The development hereby permitted shall not be commenced until such time as a scheme to:

1. *secure de-watering on the site;*
2. *secure the protection of licences sources;*
3. *secure the maintenance of spring-fed flows;*

has been submitted to, and approved in writing by, the local planning authority. Any such scheme shall be supported by detailed information. The scheme shall be fully implemented, in accordance with the agreed scheme and any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason:

Protection of water resources by ensuring that local groundwater levels are not adversely affected by removal of sand and gravel from the quarry.

Environment Agency recommended condition no 2:

The development hereby permitted shall not be commenced until such time as a scheme to monitor groundwater and surface water levels using boreholes and trigger levels has been submitted to, and approved in writing by, the local planning authority. Thereafter, the monitoring shall be undertaken in strict accordance with the approved scheme.

The scheme shall include the following details:

- *details of the monitoring of groundwater and surface waters prior to the commencement of mineral extraction to establish a baseline,*
- *ownership and maintenance arrangements,*
- *a program of measures to deal with any exceedance of agreed trigger levels,*
- *confirmation that monitoring shall continue during and after quarrying activities and shall continue until restoration is completed.*
- *confirmation that the results and interpretation of the monitoring should be presented in a report and submitted to the County Planning Authority initially twelve months from the date of the commencement of implementation of the scheme and thereafter at six monthly intervals.*

Reason:

To protect ground and surface waters.

Environment Agency recommended condition no 3:

If the results of the monitoring as specified in the monitoring scheme condition indicate that dewatering is exceeding the trigger levels set within the approved scheme, a programme of measures having first been submitted to and approved in writing by the County Planning Authority shall be implemented to rectify the situation.

Reason:

Protection of water resources.

Informative advice with regards groundwater protection was also offered as follows:

“The applicant should be made aware that if any oil, chemical, or hazardous materials are to be stored on site they should be stored in accordance with relevant regulations and guidance. The Environmental Permitting (England & Wales) Regulations 2010 (Regulation 38(1)) makes it an offence to cause or knowingly permit a discharge of a pollutant that might lead to its direct or indirect input into groundwater except under

and to the extent authorised by an environmental permit or an exemption as provided for in the Regulations”.

Applicants should be aware that if any controlled waste is to be used on the site the operator will need to obtain the appropriate authorisation from us. We are unable at this time to specify what exactly would be required due to the limited amount of information provided.

If the operator wishes more specific advice they will need to us using the details provided, or look at available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>.

With regards flood risk, the Agency advised of there being no flood risk objections to the proposal, but added that *“it is the Applicant's responsibility to ensure they do not increase flood risk to others. Once this site is restored it should provide additional flood storage for the River Ure catchment”* and, furthermore, under the terms of the *Water Resources Act 1991* and the *Land Drainage Byelaws*, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Ure, designated a ‘main river’.

The ‘2016 consultation’

In its response, dated 29th March 2016, the Agency, having reviewed the *Supplementary Hydrogeological Report*, confirmed it to have addressed the *“concerns about the connectivity of the reserve water features and groundwater in the sand and gravel deposits and the potential impacts on the reserve during the operation of the site”* and had demonstrated that the groundwater levels within the deposits are lower than the surface water features in the area; thereby negating any anticipated significant impact from the lowering of the groundwater levels due to dewatering processes. Should any impacts be detected, the Agency considered these could be mitigated by directing discharge to the HBNR [High Batts Nature Reserve] stream. The Agency considered the report to have addressed concerns about the restoration of the site and specifically any potential impacts on the reserve from the restored water bodies while at the same time, also agreeing with the recommendation to restore the *Phase 2* water body as a separate water body in order to maintain groundwater levels close to the average in the reserve.

The Agency reiterated the previously recommended condition identified above as recommended condition no. 2 and proposed a reworded recommended condition no. 3 (the purpose of which is to protect ground and surface water resources) as follows:

“Should the results of the groundwater and surface water monitoring indicate that dewatering is exceeding the approved trigger levels the measures to address this shall be implemented in accordance with the details of the above scheme”.

The Agency offered up advice on groundwater protection stating that the applicant should be made aware that if any oil, chemical, or hazardous materials are to be stored on site, they should be stored in accordance with relevant regulations and guidance and that the Environmental Permitting (England & Wales) Regulations 2010 (Regulation 38(1)) makes it an offence to cause or knowingly permit a discharge of a pollutant that might lead to its direct or indirect input into groundwater except under and to the extent authorised by

an Environmental Permit or an exemption as provided for in the Regulations.

The '2017 consultation'

In response to the '2017 consultation', the Agency (summarised for the purpose of this report):

- maintained their 2012 comments having reviewed the revised *Hydrological Report* whilst being satisfied that the aquifer is not directly connected with the SSSI's surface water system, accepting of the assessment of potential risks and agreeing with the proposed mitigation measures; and,
- confirmed that the conditions above cited as recommended condition no. 2 and reworded recommended condition no. 3;
- reiterated its advice on groundwater protection;
- conveyed additional advice with respect to flood risk that no objection would be offered provided that the proposed development is undertaken in accordance with the submitted revised *Flood Risk Assessment* prepared by ESI (ref: 60746R9, December 2016); and,
- conveyed the following informative recommended to be imposed should planning permission be forthcoming:
 - this development may require a permit under the *Environmental Permitting (England and Wales) Regulations 2010* from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Ure, designated a 'main river'. This was formerly called a *Flood Defence Consent*. Some activities are also now [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

[*Officer note to Members:* As mentioned within Section 3.0 of this report, the County Planning Authority has been informed of further discussions having taken place between the applicant company and the Environment Agency regarding the original Groundwater & Surface Water Monitoring. A [revised Groundwater and Surface Water Monitoring Scheme](#) (dated June 2017) has now been duly submitted to the County Planning Authority for consideration together with a [letter of confirmation](#) from the Environment Agency of their satisfaction with the revised Scheme]

Response to consultation on draft S106 Legal Agreement

The Agency's most recent response dated 20th July 2017 confirmed no comments to be forthcoming and "no further concerns... as long as the conditions are applied" in accord with previous Agency comments as well as confirming that the requirements of the groundwater monitoring condition would no longer be required as they have now been fulfilled.

4.10 **NYCC - Highway Authority** - in a response dated 19th December 2011, returned no objection to the proposed development, subject to the imposition of conditions previously imposed relating to the maintenance of the access road, the provision of areas for on-site parking and manoeuvring of vehicles, hours of operation and the provision and maintenance of wheel-cleaning facilities (condition no.s 20, 22, 23 & 32 respectively pertaining to planning permission ref. no. C6/500/95B dated 8th October 2001) and a condition requiring the continuation of the use of the existing access and no other. This was reiterated in response to the latest consultation dated 6th April 2017.

4.11 **NYCC - Public Rights of Way Team** – in a response dated 17th January 2012 commented with regards the absence of information on dealing with the safety

of equestrians, pedestrians and cyclists stating that users of the bridleway “*must take priority over the quarry traffic and be allowed to cross the haul road safely and unimpeded by the quarry traffic*” and went on to seek opportunities to provide a circular route.

The ‘2017 consultation’

The team returned a recommended informative for inclusion within any grant of consent, were that to be forthcoming, seeking to ensure that “*no works are undertaken which will create an obstruction either permanent or temporary to the Public Right of Way adjacent to the proposed development*”.

- 4.12 **North Yorkshire Local Access Forum** – responded to consultation in a communication dated 15th February 2017 in which it commended the applicant Company on its consideration of the public rights of way crossings of the haul road provided that the surfaces are not made up “*of a slippery nature*”.

Response to consultation on the draft S106 Legal Agreement

On 5th July 2017, the Local Access Forum mooted the idea of a ‘legacy bridge’ across the river (similar to that sought in the recent Killerby case) that “*would deliver a wonderful boon for extended access possibilities for those without a car, and supports the LAF objectives of community connectivity through sustainable links*”.

- 4.13 **Historic England** – responded to consultation on 16th January 2012 noting there to be “*limited archaeological potential across the extraction area*” and advising that the applicant company’s proposed tree planting along the edge of the quarry site and within the registered park would “*address any setting issues on Grade II* listed Norton Conyers house and its Grade II Park and Garden*”; provided this was undertaken considered there to be “*no long-term impact on heritage assets associated with this application*”.

The response goes on to express support for “*the conclusion that the impact of the proposals will be ‘not significant’ and, if the proposed mitigation is undertaken, then the impact will be neutral and the reinstatement of parkland tree will have long-term benefits in enhancing the overall grade II parkland. We agree there is little archaeological potential in the southern extraction area section and are satisfied that no archaeological mitigation strategy is required*”.

Furthermore, the archaeological deposits identified in the soil storage area were noted and the mitigation strategy to conserve these is ‘*in situ*’ was supported.

The ‘2014, 2016 and 2017 consultations

In responses, dated 20th August 2014, 18th March 2016 and 3rd February 2017 respectively, Historic England offered no objection to the proposed development on heritage grounds and confirmed the absence of any alteration to comments made previously (dated 16th January 2012).

Response to consultation on the draft S106 Legal Agreement

The County Planning Authority, on 4th July 2017, was notified that Historic England did not wish to offer any comments.

- 4.14 **NYCC adviser on matters of archaeology** – in a response dated 17th January 2012, the archaeological and historic environment context was provided as follows:

“The proposed development lies within a rich archaeological landscape, containing several henge monuments, two cursus monuments, barrows, enclosures, pit alignments and the Devil’s Arrows standing stones. A large number of these monuments are designated heritage assets. The Thornborough Henges, the three henge monuments on Thornborough Moor, are unparalleled in their size, alignment and form. The Grade II Registered Park and Garden of Norton Conyers lies to the east, forming the immediate setting of the Grade II Listed Building, a late medieval manor house. Evidence of Romano British settlement is also present within the landscape, including the Scheduled Monument of Castle Dykes Roman villa. Significant areas of nationally important river and related riverine habitats are also present”*

The archaeological evaluation works, that have informed the application, have characterised the ‘*below ground*’ archaeology allowing the potential for archaeology to be understood and also the significance of the archaeology. The results of the ‘*trial trenching*’ confirmed those of the geophysical survey i.e. no conclusive evidence was found of human activity and, as a consequence, the potential of the area for archaeology was deemed to be “*very low*”. Furthermore, the archaeological potential of the soil mound was deemed as being “*low*”.

In terms of mitigation, whilst acknowledging an *Archaeological Watching Brief* had been proposed by the applicant company, it was also advised that a *Written Scheme of Investigation* would be required prior to determination.

The ‘2017 consultation’

In responding to the latest consultation on 25th January of this year, the advice received from the County Council’s in-house adviser on archaeology reiterated the earlier advice provided in 2012 i.e. that the *Archaeological Assessment* (including field evaluation and trial trenching) is sufficient upon which to make a decision and that no significant impact was deemed to result from the proposed development with the extraction areas likely to be of low archaeological potential; notwithstanding a *watching brief* is proposed by the applicant Company . It also reflected changes in planning policy at the national level in the intervening period and concluded that “*an archaeological watching brief [...] be carried out during topsoil and subsoil striping, to be followed by appropriate analyses, reporting and archive preparation [...] in order to ensure that a detailed record is made of any deposits/remains that will be disturbed*”. To this end, there is advised a condition should planning permission be forthcoming which seeks the submission of a *Written Scheme of Investigation* prior to the commencement of development.

[*Officer note to Members:* on the 9th June 2017, the applicant company submitted to the County Planning Authority a [Written Scheme of Investigation for an Archaeological Watching Brief](#) (prepared by ASWYAS and dated May 2017). This scheme was approved by the County Council’s own in-house adviser on 6th June 2017 and has been made available to view by the public on the County Council’s Online Planning Register since its receipt]

- 4.15 **NYCC adviser on landscape matters** – in a response dated [17th January 2012](#), it was advised that the site lies within a “*highly sensitive section of the Ure*” and highlighted in the Harrogate LCA describing the “*remoteness*”, beauty

and intimacy of the landscape character area and of its sensitivity to change. In the view of the adviser, the applicant company's submission "*fails to clearly define, capture and assess the full extent of the environmental and landscape sensitivity of the landscape context of the proposal and therefore currently underplays the combined environmental significance and sensitivity of the landscape within which the proposal is located*".

It was then requested that further information be provided in respect of:

- the context of the river corridor landscape character area and its setting [including within Hambleton District] between West Tanfield and Ripon to be further extended and defined;
- the river corridor landscape to be set within a broader landscape context;
- an expanded '*Landscape Analysis Plan*' to identify and bring together all landscape components and areas that collectively contribute to the distinctiveness and significance of this landscape character area and its setting (including those already identified); and,
- the *Topography Plan* to be further developed into an assessment of topography, including floodplain and former river terraces that contribute to the definition and understanding of character and significances of river corridor landscape.

It further advised that the proposed development moves extraction into an area hitherto unaffected by mineral development and increases the already significant areas of open water close to the river. A view is expressed that the applicant company had failed to "*clearly [identify] the cumulative impact of mineral working on this undisturbed rural river valley landscape and [define] the full extent of the incremental mineral extraction process and landscape change that the submission*"; thereby underplaying the cumulative impacts of mineral working on this remarkably undisturbed landscape and upon its combined environmental significances and sensitivities.

Further information was requested with regards identifying "*the full extent of the existing mineral extraction and processing operations together with the proposed extraction operations*" clearly showing "*the pre-mineral working landscape, the full extent of the earlier, permitted and proposed mineral working and of the post mineral working change, all in the context of the valley landscape*". A similar such request for additional information related to understanding and clarifying the "relationship of existing and proposed workings to the river during and following working".

With regards the potential for impacts upon the setting of Norton Conyers Hall itself, as well as the Park and associated listed structures and other buildings, it was advised that the development, as proposed, would "*transform the existing agricultural landscape to an area of open water and associated wetland habitats over a projected extraction period of 15 years*" and draws the attention of the County Planning Authority to "*the uniqueness of this historic asset*" and "*high sensitivity of this parkland area to any change*" and in so doing referencing Policy HD7A of the Harrogate District Local Plan.

Having highlighted the visual impacts of the proposal as those affecting North Parks Farm [soil storage and all operations], Norton Conyers parkland and the properties within the designed landscape and users of the Ripon Rowell walk, it was advised that there was a "*need for detailed commitments to a landscape-based mitigation strategy encompassing on-site and off-site proposals*", whilst

acknowledging that the applicant company had put forward enhancement planting proposals.

With respect to mitigation, the landscape adviser pointed to the requirement for *“an integrated and broader restoration vision encompassing the current permission area, adjoining habitats including the Batts, the Jetty, Bog Wood and the adjoining Park and to set that vision within an even larger strategic landscape vision”* as well as information about how this could be delivered. It was further noted that whilst expressing disappointment that there remained a *“large area of deep open water”*, the applicant company had proposed an area of wet woodland which could have biodiversity potential and had also committed to an extended period of management following on from the five-year ‘*after-care*’ which was to be welcomed.

Finally, the stated requirements expressed within the response pointed to need for information that:

- responds to the ecology, archaeology and landscape requirements and issues;
- extends and defines the context river corridor landscape character area and its setting [including within Hambleton District] between West Tanfield and Ripon;
- sets the river corridor landscape within a broader landscape context;
- identifies and brings together on an expanded *“Landscape Analysis Plan”* all landscape components and areas that collectively contribute to the distinctiveness and significance of this landscape character area and its setting; and,
- develops the topography plan into an assessment of topography, including floodplain and former river terraces which will contribute to the definition and understanding of character and significances of river corridor landscape.

It further advises the *“delivery of the mitigation, enhancement and long term management package will need to be agreed as part of a S106 agreement and will require elements of the package to be delivered prior to site works commencing”*.

The ‘2013 consultation’

A response to consultation with specific reference to the addendum to the applicant company’s submitted ‘*Landscape & Visual Impact Assessment*’) was dated [22nd November 2013](#) and stated satisfaction that:

- the enlarged study area provides *“an adequate landscape context for the proposed extension and that the landscape character, both local and broad, is well understood, and landscape sensitivities recognised”*;
- *there are no significant cumulative impacts with other sites that remain to be addressed”*;
- impacts upon the setting of Norton Conyers listed building and registered landscape are likely to be local and short term, during the operational period However, the adviser went on to state that *“further investigation of the implications for the proposed offsite mitigation within the parkland”* would be needed; and,
- the restoration proposals were *“acceptable in principle”*.

It was also stated a desire *“to see a very clear and robust approach taken to protection of trees and woodlands”*.

The ‘2014 consultation’

In a response (dated [28th August 2014](#)) to consultation, with specific reference to new working and restoration plans and Ripon Flood Technical Review, no

objections were returned to the amended proposals as, in the opinion of the adviser, the amendments “*represent an improvement in landscape terms because of the increase in the stand-off between the extraction boundary and the River Ure to 40m, which increases the distance between the quarry and the Norton Conyers parkland from around 80m at the closest point to around 100m*” subject to an amended final restoration plan and cross-sections being provided by the applicant company.

Notwithstanding the absence of the applicant company’s submitted details failing to address the longer term effects of mineral extraction on the active fluvial processes within the floodplain, the adviser is nevertheless supportive of the applicant company’s proposals for controlling an overbank situation i.e. to allow natural breaching “*as this avoids the construction of higher levees that would disturb existing vegetation and could be visually intrusive, or the alternative of an engineered structure to control the flow of water into the workings, which could also be visually intrusive*”.

However, previously raised queries about the feasibility of the proposed Section 106 proposals for restoration of lost parkland tree cover within the western parts of the North and South Lawns and whether there are any existing undertakings or an existing conservation management plan associated with the ‘*heritage landscape*’ status (conferring Conditional Inheritance Tax Exemption) have not, in the opinion of the landscape adviser, been answered.

The ‘*2017 consultation*’

In responding to the ‘*2017 consultation*’, the County Council’s adviser wrote on the 15th February 2017 that the proposed changes to the final restoration (including the 80-metre wide ‘*buffer*’) were to be welcomed and whilst acknowledging the permanent loss of agricultural land and the temporary 15 year disturbance experienced by those enjoying the Norton Conyers Park, High Batts Nature Reserve and the Ripon Rowel Walk, there were “*no major concerns*” nor would wide visual impact arise.

Notwithstanding this opinion above, there followed within the response to consultation recommendations and suggested conditions for consideration for imposition upon any grant of consent should that be forthcoming.

The recommendations (in summary) comprise of:

- a requirement that any S106 agreement includes off-site measures to off-set/compensate for any disturbance relating to Norton Conyers Park;
- the *Habitat Management Plan* should be amended to include:
 - access, amenity and recreation;
 - enhancement of the setting of Norton Conyers;
 - reviews of the new planting in relation to views from Norton Conyers towards the site;
 - review of the retention of the Native Woodland Screen Planting of alder and willow species when extraction has been completed;
 - review of the need for any double hedgerows along the Ripon Rowel path once extraction has ceased;
 - clarify public access proposals; and,
 - include management of public access in the *Management Schedule* e.g. keeping paths clear, resurfacing, improving drainage etc.

Also recommended were planning conditions to be attached in the event of any grant of consent comprising:

- advance landscape works including screen planting in the Thornyfields area, and planting to the south of High Batts Nature Reserve (drwg ref no U9h/197 rev. E, dated April 2015 or subsequent approved revision; drwg ref no Ugh/214 rev B: *Bridleway Crossing Detail* dated October 2011, drwg ref no 009-13-d3: *Planting Overview* dated 02/08/2016; drwg ref no 009-13-d4: *Planting Details* dated 02/08/2016 and *Habitat Management Plan* dated November 2016 or subsequent approved revisions) shall be undertaken in the first planting season after the commencement of development, in advance of Phase 1;
- landscape and restoration works shall take place on a phased and progressive basis in accordance with the approved planning application details (including *Phasing and Restoration Plans 3-10* dated April 2015 or as subsequently revised, drwg ref no 009-13-d2A: *Restoration Plan* and *Habitat Management Area* dated 10/11/2016, drwg ref no 009-13-d3: *Planting Overview* dated 02/08/2016 and drwg ref no 009-13-d4: *Planting Details* dated 02/08/2016) and other detailed plans and documents that may be subsequently approved in writing by the County Planning Authority. Any tree/shrub planted or habitat created in accordance with the approved schemes which dies or becomes diseased within five years of the date of planting or creation shall be replaced or recreated to the satisfaction of the County Planning Authority;
- every twelve months from the date of commencement or work within the extension area or at such times as may be agreed in writing with the County Planning Authority, a review of the previous year's working, landscape mitigation and restoration works and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The annual review and report will include a schedule of work undertaken during the previous 12 months, the results of monitoring and the development of habitats. It shall take account of any departure from the approved scheme, and revised schemes shall be submitted to the County Planning Authority for approval and shall provide for the taking of such steps as may be necessary to continue the satisfactory phased working, mitigation and restoration and aftercare of the site. Thereafter, all such works shall be carried out in accordance with the approved scheme within such period as may be approved in writing by the County Planning Authority;
- within six months of the completion of extraction from each phase an '*Aftercare*' Scheme requiring such steps as may be necessary to bring each phase of the land reclaimed under the above conditions to the *required standard* of the identified after-uses shall be submitted to and approved by the County Planning Authority. Thereafter, aftercare shall be carried out in accordance with the approved schemes and the approved *Habitat Management Plan*. On completion of the extraction operations hereby permitted, the site as a whole shall be subject to an after-care period of five years, the details of which shall have been subject to a written submission to the County Planning Authority for its approval. Thereafter, the land shall be managed in accordance with the approved after-care scheme and *Habitat Management Plan*; and,
- in the event that mineral extraction ceases on site for a period in excess of 12 months before the completion of the development, a revised scheme of interim restoration and landscape works shall be submitted to the County Planning Authority for approval within 14 months of the cessation of extraction. The approved scheme shall be implemented in accordance with the programme to be included in that scheme.

Response to consultation on the draft S106 Legal Agreement

In [a response dated 19th July 2017](#), returned comments, *inter alia*, include recommendations that:

- the species '*fraxinus excelsior*' (Ash) be replaced with an alternative species; and,
- any conflict with any existing Conservation Management Plan or any agri-environment scheme be avoided.

4.16 **Natural England** – in a response dated 3rd February 2012, Natural England returned an objection against the proposed development.

It did so on the basis that insufficient information was available to demonstrate that there would be no adverse effects on features of interest for which the SSSIs are notified. In light of this, a recommendation of refusal was conveyed to the County Planning Authority. In order to address Natural England's concerns and therefore withdraw their stated objection, Natural England sought to advise that which would be needed to be submitted by the applicant company as follows:

- further supporting evidence to demonstrate that the same impacts (or lack of) will be exhibited within the SSSIs from works in the extension area, as from the existing quarry site;
- further information relating to the consideration of the impacts upon features, habitats and conservation objectives of the SSSIs as a whole as well as providing greater evidence to demonstrate how extraction and dewatering operations may impact upon the SSSI areas as a whole as other habitats present may suffer adversely from any changes and how this relates to wider SSSI features and conservation objectives;
- further information regarding the proximity of the proposed extraction area and the extent of the *drawdown zones* in relation to the river levels and potential for denudation of river reaches, with the potential adverse impacts upon the SSSI habitats and features;
- the drawdown extent of the proposed dewatering to an elevation of 18m AOD is of concern and there is potential for significant impacts upon river levels within the SSSI as '*groundwater levels will be lowered by some 8.6m below the adjacent river and water ingress from the river is therefore considered to be likely*' (section 7.3.2 paragraph 1). Hydraulic conductivity analyses estimate a representative rate of 50m/d, but a range of values up to 300m/d are also predicted based upon the indicative aquifer properties. The combination of drawdown and aquifer properties has the potential to create instability and significant changes in river conditions;
- as extraction progresses it is likely that hydraulic conductivity will increase and whilst dewatering '*will potentially draw water from the river*' meaning there will be an effect on river-aquifer interaction, thereby affecting river levels and habitat conditions throughout both the application site and the wider SSSI area, the application details indicate that hydraulic conductivity between the river-aquifer, enhanced by the proposed extraction, will not have a significant effect on the river. The response states "*Natural England is not confident that the information supplied is adequate to support such a conclusion, nor that the proposed discharge will recompense the scoped or actual reductions in river levels throughout the extent of the estimated drawdown zone*;
- further information with regard to the water quality standards that the discharge will achieve and comply with, before entering the river and how the quality of the discharge will be monitored to ensure continued compliance;
- further information to demonstrate that the levels of suspended solids (SSL) in the discharge will comply with SSSI conservation objectives and their levels in the secondary water treatment via groundwater sump;

- more detailed information to give confidence to the stated conclusion that there will be no adverse impacts upon the SSSI;
- more information with regards the stability of the riparian river zone and potential response of the river system to proposed changes brought about through dewatering and drawdown;
- given the 'high' risk of fluvial flooding and the dynamic nature of the river and the 'buffer' of 30 metres from the river, the risk of a breach has not been adequately explored nor have alternative, perhaps more suitable, restoration proposals been considered;
- further information is needed in respect of the monitoring regime, location of piezometers and trigger levels for the wider SSSI area in order to be able to conclude whether the proposed regime is suited to the river SSSI area, its habitats/features and targets for favourable condition; and,
- while acknowledging a suboptimal habitat for *Great Crested Newts* (GCNs) (a species protected by statute), the absence of relevant information means that any likely adverse impacts upon their population within the High Batts Nature Reserve area cannot be satisfactorily concluded.

Natural England advised the County Planning Authority within its response to consultation that, in respect of 'protected species', due regard must be had to the national '[Standing Advice](#)'. While the information submitted with the application points to there being no such species present at the time that relevant surveys were undertaken, Natural England noted that "*important populations of several such species are present within the immediate surroundings, namely Great Crested Newt and Otter*" and while bats may also be present, it noted that there was a lack of suitable features for them. Natural England confirmed that they had not assessed the submitted surveys for badgers, barn owls and breeding birds, invertebrates or water voles; instead deferring to their published national '[Standing Advice](#)' which should be used to assess the impact on these species*.

[*Officer note to Members: As Natural England had referred the County Planning Authority to its published national '[Standing Advice](#)', it is noted that the County Council's own in-house adviser on matters of ecology (see below) has advised of satisfaction with both the level of survey work and the mitigation measures proposed by the applicant company with regards badger, great crested newt, otter and breeding birds]

Natural England went on to advise of the duties of local authorities in respect of biodiversity and its enhancement stating that under *Section 40(1) of the Natural Environment & Rural Communities Act 2006*, a duty is placed on public authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species. Whilst reference is made within the response to PPS9, this national planning advice was replaced with the publication of the [National Planning Policy Framework](#) in 2012.

With regards the overall restoration proposals for the site, Natural England:

- recognised the application site's habitats to be currently [2012] of limited ecological value with the majority of the area being arable farmland;
- was encouraged to note the proposals would minimise the loss of hedgerow, (approximately 20m of H1 being lost to allow the construction of the haul road to the existing quarry processing area), hedgerow would be reinstated during the site restoration and welcomed the commitment to plant 1150 metres of new hedgerows;

- whilst noting the proposals offer a mix of habitats with the potential creation of over 20 hectares of UKBAP priority habitat, it restated its earlier concern over the creation of the large lake, forming the main feature of the restoration proposals and suggested a group of smaller lakes/ponds of varying shape and depth may offer similar recreational opportunities whilst providing a more diverse mosaic of habitats and potentially support a greater variety of species; and,
- commented that a reduction in areas of open water would also potentially decrease irreversible losses of around 10 hectares of Best and Most Versatile (BMV) land and an increase in width of the marginal area between the River Ure and areas of open water may offer greater stability, reducing the risk of breach during flood events.

Natural England reminded the County Planning Authority that the River Ure is an important wildlife corridor and any proposals should be sensitive to wildlife needs.

The '2014 consultation'

Having reviewed the additional information submitted on behalf of the applicant company, Natural England, on 2nd October 2014, remained of the view that the information continued to be insufficient and, therefore, maintained its objection against the proposed development. Their continued concerns related to:

- potential impacts upon the wider Ripon Parks SSSI due to dewatering and discharge effects;
- impacts upon river levels and stability;
- insufficient evidence upon which to demonstrate how the discharge will be achieved and comply with water quality standards before entering the river;
- potential impacts upon Great Crested Newts; and,
- insufficient evidence with respect to the adequacy of the mitigation proposals and the management plan and whether a watching brief will be provided throughout the restoration process.

The '2016 consultation'

In a response dated 15th April 2016 Natural England, while acknowledging that the further information submitted by the applicant company had "*gone some way*" in explaining impacts upon most of the biological features, they remained concerned as to the insufficient information with regards geomorphological stability and "*potential impacts and changes to the floodplain river interaction in the short and long term to protect the natural river function*" and they, therefore, recommended that a Geomorphological Assessment be undertaken by the applicant company and, furthermore, they identified that which would need to be included within any such assessment. In addition to these comments, Natural England also made comment upon the addendum to the *Ecological Statement* stating "*no consideration has been given to how this discharge will be managed and monitored to ensure that the SSSI is not affected and, in particular, that the suspended solids in the river remain at a maximum annual mean of 10mg/l with no unnatural events*". Finally, Natural England welcomed the applicant company's inclusion of a *Watching Brief* on *High Batts Nature Reserve*. The attention of the applicant company was drawn to the fact that new evidence had become available about the importance of the River Ure to provide spawning habitat for lamprey (a *Special Area of Conservation* feature of the Humber Estuary) and, therefore, further information would be required regarding the potential entrapment of lamprey in the lagoon following a flood event.

The '2017 consultation'

In a 23rd February response to the '2017 consultation', Natural England returned no objection subject to recommended conditions. In further detail is conveyed the view that the applicant Company's submitted *Geomorphological Assessment* is deemed "appropriate" to safeguard the interest features of the designated site and that the SSSI is not likely to be subject to any adverse effect as a result of the proposed development provided that the development is undertaken in strict accord with the submitted application details. A number of conditions have been recommended for consideration that include reference to the new further environmental information forming part of the application details; the maintenance of a 5-metre wide 'buffer' between the haul road and the SSSI free of pollutants and dust; the inclusion of a 'sign-off mechanism' to be used by the Management Committee for any changes to the 'Habitat Management Plan'; acknowledgement of other methods for the control of Himalayan Balsam; the design of the outfall; the imposition of a flood management/breach control protocol and the closure of the haul road across the river.

Response to consultation on the draft S106 Legal Agreement

Natural England confirmed their satisfaction with the terms set out within the draft Agreement on 28th July 2017.

- 4.17 **NYCC adviser on matters of ecology** – in a response dated 17th January 2012 it was met with satisfaction that the results of the assessment indicated that there would not be a negative effect upon the Sites of Importance for Nature Conservation (SINC) located in the area. This was similarly the case in regard to the River Ure and Ripon Parks SSSI in agreeing that adequate measures could be put in place to ensure there would be no direct impact upon the SSSI.

However, there were concerns expressed that impacts might occur on the SSSI habitats as a result of the dewatering operations. The expected 'drawdown' of groundwater levels of up to 3.3m at 200m from the site during extraction (5.8.3.2) and the potential impact that this may have upon SSSI habitats was of particular concern; in light of proposed monitoring, trigger points and mitigation measures which indicated that there could be some doubt as to whether hydrological impacts could occur.

Whilst satisfaction was expressed with the level of survey work undertaken and the mitigation measures proposed for protected species including badger, great crested newt, otter and breeding bird together with measures within the restoration scheme to support various protected and non-protected species, it was advised that, in the event of a delay prior to works commencing on-site then pre-commencement surveys would be required to ensure that no protected species have moved into or adjacent to the site.

The '2017 consultation'

In a response to the '2017 consultation', the advice (dated 16th February 2017) confirmed satisfaction with the applicant company's assessment of the effects of the proposed development upon the *Ripon Parks SSSI* subject to the 80-metre wide 'buffer' together with a 40-metre wide 'buffer' along the river corridor, welcomed the inclusion of the submitted 21-year 'Habitat Management Plan' commitment to long-term 'aftercare' as well as establishing a 'Management Committee', but returned the recommendation that the period of 21 years for

habitat management be extended further due to the “*sensitive nature of the site and the complexities surrounding the restoration of an area underlain by gravel to create a priority wet woodland habitat*” and managed by a wet woodland specialist as well as being incorporated within a S106 legal agreement. Notwithstanding, the above, the advice also recommends the imposition of a pre-commencement ecological walkover survey and the submission of a ‘*Mitigation Plan*’ and reserved the right to recommend further conditions once having had sight of any draft S106 Agreement.

Response to consultation on the draft S106 Legal Agreement

The County Council’s adviser, commenting on the 4th July 2017, recommended, among other matters, that the definition of ‘*management period*’ for the duration of 21 years should commence after the end of the statutory five-year ‘*aftercare*’ period (page 2 of the draft agreement refers).

- 4.18 **Yorkshire Wildlife Trust** – in a response dated 30th January 2012, whilst satisfied with the amount of information provided on nationally and locally designated wildlife sites and the amount of detail in the protected species surveys which have been carried out, held an objection against the proposed development based upon concerns at lack of data, particularly in respect of some invertebrate species, together with an absence of information relating to the development’s possible long-term effects upon the River Ure and Ripon Parks SSSI.

Where there appeared to be a number of areas where there is insufficient information and data relates to the following:

Lack of invertebrate data:

The Trust advocated the knowledge of the invertebrate interest to be “*vital when considering the effects of the proposal on invertebrates which are present in the SSSI, and the design of the restoration*” and advised that “*changes in the hydrology and groundwater of the SSSI could have far reaching effects on nationally important populations of invertebrates*” pointing to the following:

- the active shingle banks are potentially of national importance for some river flies and beetles; the effects upon which and their associated invertebrate fauna have not been sufficiently provided within the application. This is similarly the case for nationally rare water beetles; and,
- areas likely to be affected by changes in groundwater levels include seepages with the fen areas of the SSSI which is again “*very important for invertebrates*”.

Concerns over hydrological and flooding issues:

It wrote the Trust “*is concerned about the potential impact of changes in hydrology on neighbouring habitats which are recognised as being of national importance for biodiversity. Many key features and species on the adjoining SSSI would be highly sensitive to changes to the groundwater regime so there is potential for highly detrimental adverse impacts* and pointed to a number of specific concerns as follows:

- the habitats within the High Batts Nature Reserve could be affected by changes in groundwater;
- the river could breach and this does not appear to have been addressed within the applicant company’s submitted ‘*Flood Risk Assessment for Ripon Quarry extension into Pennycroft area*’ (dated October 2011). The Trust expressed its concern that “*if the river were to change course suddenly within the restoration,*

there could be serious implications for nature conservation areas downstream of the quarry” and it sought “assurances that the way in which the restoration interacts with an active river system after quarrying has finished has been fully researched and considered”; and,

- concerns were also raised with respect to wave-action and its associated erosive powers, the potential instability of trees within the proposed 30-metre wide ‘buffer’ and the potential effects upon ponds and habitats downstream due to changes in groundwater.

With regard to the restoration proposals, the Trust opined that it would, in effect, result in one deep lake that would be *“of much less value for nature conservation than a series of smaller shallower lakes”* stating *“shallower lakes would have warmer water and be more likely to be used by wildlife species particularly invertebrates, already present in the area”*. The Trust also highlighted the application site’s location within its [‘River Ure Living Landscape’](#) and therefore its importance as an area where habitats can be connected up for nature conservation; provided its managed appropriately and concluded that a *“fully funded long-term management plan must be in place, backed up by a section 106 agreement”*.

The ‘2014 consultation’

In a response dated 1st September 2014, the Trust, while acknowledging that the applicant company had revised its proposals such that there were now proposed *“a number of water bodies rather than one very large lake”* and the increase in width between the river and the quarry could *“provide some improvements for wildlife and may reduce the risks of failure of the bank”*, commented that the new submissions had addressed some, but not all, of the concerns that the Trust had raised in 2012. It therefore maintained its holding objection and listed the areas that remained of concern as the effects upon:

- invertebrates;
- the Ripon Parks SSSI downstream on the River Ure;
- groundwater within the Ripon Parks SSSI during flood conditions; and,
- groundwater in the SSSI during normal or drought conditions.

It further requested the additional detail in respect of working and restoration that had previously been sought by the Trust in 2012.

The ‘2017 consultation’

In its 22nd February response to the *‘2017 consultation’*, the Trust, having originally held an objection to the proposed development, welcomed the *“improved restoration plan”* including the 80-metre ‘buffer’ between the River Ure and the lake as well as an enlarged area of wet woodland, but whilst noting the applicant Company’s submitted 21-year *‘Habitat Management Plan’*, the Trust pointed out,

“there does not appear to be a clear mechanism as to how the management of the restored area will be carried out and how this will be funded” and furthermore that the Trust *“would like to see a fully funded S106 agreement which clarifies land ownership and management over the long term, 21 years and beyond. Also a covenant to ensure the restored site remains a nature conservation area in perpetuity would be appropriate”*.

Response to consultation on the draft S106 Legal Agreement

On 11th July 2017, the Trust responded stating the draft agreement “*appears to be satisfactory*” and would be happy to participate on the proposed Advisory Committee.

- 4.19 **High Batts Nature Reserve** - a response was received on 24th February 2012 with an initial holding response and a full response was received on 29th February 2012 which included a report prepared by *Middlemarch Environmental* on behalf of the Reserve which concluded further information was required.

The ‘2016 consultation’

On 13th March 2016, the Reserve’s Chair responded referring to the three principal issues raised in 2012 as:

- *further consideration be given to the potential scouring and erosive impacts caused by the inundation and flooding which happens from time to time;*
- *the impact on the hydrology and therefore the ecology of the Reserve as a result of:*
 - *a) the dewatering process necessary to allow the quarrying; and,*
 - *b) possible ground water drainage from the Reserve into the proposed lower level lake created by the restoration; and,*
- *the proposals for a large and deep waterbody which would not complement the SSSI status of the site and where it was proposed to have amenity use which could compromise the site and the Reserve.*

With regards the impacts of flooding, the Chair drew the County Planning Authority’s attention to having welcomed (in a letter in January 2015) new submissions resulting from further work undertaken by the applicant company and the new proposals in the submitted *Pennycroft Extension Flood Review* prepared by Envireau on behalf of the applicant company and, specifically, the decision not to install levees or other engineered solutions for controlling water inflow, the proposal to widen the stand-off between Phase 2 area and the river and High Batts, and the emphasis on the need to remove plant from the workings during any inundation in order to avoid environmental pollution. The Chair concluded that “*the new proposals will help to prevent and mitigate any inundation or flooding*”.

Turning to the issue of hydrology, the Chair acknowledged the further research undertaken by the applicant company in relation to the hydrology and ecology. Additional dip wells had been installed on the Reserve in order to provide baseline data and to allow monitoring during the quarrying process as well as acknowledging that the applicant company had amended the proposals in respect of Phase 2 such that the work adjacent to the Reserve would be undertaken in three smaller cells; thereby reducing the potential for water drainage from underneath the Reserve. The Chair explained that these three smaller cells would be retained after the restoration so as to provide a ‘*buffer*’ against major water loss from the Reserve. A belief that the proposals are “*a reasonable and practical response to the issues raised*” was expressed.

Finally with regard the applicant company’s restoration proposals, the Chair, whilst welcoming both the creation of smaller water areas adjacent to the southern end of High Batts Reserve and the increased 40 metre stand-off between the river and the new water body offering opportunity for habitat creation, expressed disappointed that the proposal is still to create a large and

deep water body that failed offer any real opportunity for environmental benefit, but at the same time acknowledged the pragmatic approach. In light of this though, the Chair explained that the edges and promontories would become extremely important in creating extended and new habitats so that the restoration achieves, as intended, a significant contribution to the biodiversity value of the area.

The Chair also acknowledged that the restoration proposals, by necessity, are “conceptual” meaning “a need for some flexibility to accommodate new opportunities and to respond to issues that arise during the whole process”. He goes on to say “given the sensitivity of the site...it is essential that there is early agreement on what habitats are proposed and the principles underlying the restoration and management” and therefore welcome the preparation of a *Habitat Management Plan* and the establishment of an Advisory Group through a S106 legal agreement.

The Chair recommended the employment by the applicant company of a restoration/wetland specialist who would be involved in the design and would oversee the implementation of the habitat creation, establishment and long-term management. Such expertise is considered essential given the existing SSSI designation and the potential of the site for habitat creation. The presence of an acknowledged and independent specialist would encourage participation in the Advisory Group by relevant agencies and would increase the confidence of members of the Group.

The Chair goes onto to express the view that any opportunities for recreational and amenity use as part of the restoration should be low level and regulated use and should be carefully planned to avoid any conflict with the environmental aims of the restoration.

The ‘2017 consultation’

In a response dated 22nd February to the ‘2017 consultation’, the depth of additional research by the applicant Company into matters of hydrology and flooding was acknowledged as was the submission of the ‘*Habitat Management Plan*’ and, in particular, an increase in the ‘buffer’ between the river and the lake, but, at the same time, expressed disappointment at not being involved in the preparation of the ‘*Habitat Management Plan*’ and therefore seek involvement in the Management Committee as and when convened. In addition, the appointment of a wet woodland specialist is also promoted within the response. Finally, the applicant Company’s proposal to site the drainage outfall at the downstream end of the site will serve to minimise the impact upon wildlife on the Reserve and upon visitors using the Riverside Hide.

Consultation with statutory undertakers

4.20 **Yorkshire Water Services Ltd** – in a response received on 22nd December 2011 confirmed that they “do not operate any infrastructure within the site boundary and the quarry is remote from the public water and sewerage network”. This was later reiterated in a further consultation response dated 23rd January 2017.

4.21 **Northern Gas Networks** - in a response, received on 15th December 2011, stated no objection to the proposal. However they did state there may be

apparatus in the area that may be at risk during construction works and should the planning application be approved, then they require the promoter of these works to contact them direct to discuss requirements in detail. Should diversionary works be required these will be fully chargeable.

4.22 **National Grid (Plant Protection)** - in a response, received on the 12th January 2012, alerted the County Planning Authority to the presence of their apparatus (High Pressure National Transmission gas major accident hazard pipeline/installation) within the vicinity of the application site.

4.23 **Ministry of Defence Safeguarding Organisation** – on 16th January 2012 returned a conditional response with reference to their safeguarding concerns relating to the restoration scheme upon completion of mineral extraction explaining that “*areas of open water can attract large congregation of bird species considered hazardous to aircraft increasing the risk of a bird strike incident. It is therefore essential that that any restoration is designed to be unattractive to hazardous bird species such as gulls and geese*”.

They acknowledged, as had been requested, the planting of the common reed *Phragmites Australis* around the lake perimeter and protective goose proof fencing that is proposed to be installed to prevent access in and out of the water as well as a proposal to prepare a *Bird Management Plan* to ensure that bird numbers do not exceed an unacceptable level and also confirmed that there were “*no safeguarding objections to the final restoration scheme*”.

It was proposed that a *Bird Management Plan* be implemented through an appropriate planning condition and should make provision for:

1. the MoD or its appointed agents being provided with monthly reports of bird species and numbers at the site if requested by the MoD;
2. access to an inspection of these by MoD or its appointed agents each year (or more frequently if MoD requires) to verify bird populations;
3. at the request of MoD, the dispersal of any feral geese and waterfowl populations considered by the MoD to pose an unacceptable hazard to traffic;
4. at the reasonable request of MoD the clearance of any gull roost(s) considered by MoD to pose an unacceptable hazard to air traffic.

The ‘2014 consultation’

The MoD, on 8th September 2014, stated it “*does not object to this proposal provided areas of open water are kept to a minimum during the sand and gravel workings and a robust and achievable bird management plan is put in place to cover the areas of water that remain. In particular, the bird management plan should look to prevent the use of the site by geese and roosting gulls. The restoration of the land should be carried out in such a way as to minimise the exploitable habitat available to hazardous bird species*”.

4.24 Those consulted, but from whom the County Planning Authority has not received a response include:

- British Telecom;
- Health & Safety Executive (Hazardous Installations Directorate); and
- Harrogate Borough Council’s Conservation Officer.

Ward Member notification

- 4.25 County Councillor Mrs Margaret Atkinson has been notified of the submission of the application and subsequent further information during the course of the processing of the application since 2013 and formerly Councillor Mr Paul Richardson in December 2011.

Notification of the National Planning Casework Unit

- 4.26 The National Planning Casework Unit has been notified of the submission of the application on 8th December 2011 and, subsequently, on 8th March 2016 in respect of the further information received.

5.0 Advertisement and representations

- 5.1 The application has been advertised by means of Site Notices posted on 15th December 2011, 8th August 2014 and 26th January 2017. The Site Notices were posted in the following locations: along Tanfield Lane (x2) either side of Bellflask Farm in the East Tanfield area; further along near Mill Bank; on a lamppost in the village of Wath; south of Wath on the road near Home Farm on a road sign; North Stainley (x2) in front of the school and further north along the road A6108; West Tanfield in front of the village hall; outside the quarry entrance; and on the Public Right of Way crosses through quarry.

- 5.2 Press Notices appeared in the Harrogate Advertiser on 16th December 2011, 14th August 2014 and 26th January 2017.

- 5.3 Neighbour Notification letters were sent on 19th December 2011, 6th August 2014, 3rd March 2016 and the 23rd January 2017. The following properties received a neighbour notification letter:

- Keepers Cottage, Norton Conyers, Ripon;
- North Parks Farm, North Stainley, Ripon;
- Norton Mills, Norton Conyers, Ripon;
- Badger Bank Farm, Norton Conyers, Ripon;
- Norton Conyers, Near Ripon;
- Plaster Pitts Cottages, Norton Conyers, Ripon;
- Plaster Pitt, Norton Conyers, Ripon; and,
- Rushwood Lodge, East Tanfield, Ripon.

- 5.4 Representations from three local residents have been received by the County Planning Authority. However, the County Planning Authority has only been supplied with the address of only two of those representors; the concerns of whom are summarised below:

- in a letter, dated 1st January 2012, the occupier of *Rushwood Lodge* (located approximately a kilometre north of the application boundary of the proposed extension to the quarry), made specific reference to matters under the following headings:
 - adherence to time limit – objecting to any extension of time in respect of mineral working north of the river;
 - noise;
 - working outside permitted hours;
 - dewatering;
 - consultations with residents;

- archaeology – alleging destruction of archaeological interests within current working area; and,
- ecology and wildlife – seeking restoration to farmland instead of biodiversity-led restoration.
- in a supplementary to the above representation on 14th March 2016 an alleged discrepancy within the applicant company's further submission of 2016 compared to the original application submission was highlighted and a view that complaints should have been disclosed by the applicant company within their submission, the grant of permission was being presumed by the applicant company and the absence of consideration of the cumulative effects of the proposed development was also expressed.
- in a [further supplementary](#) to the above, dated 14th February 2017, points with regards dewatering, noise and delays in restoring the site were reiterated as well as photos to illustrate the objections raised provided.
- a second representor, the occupier of Mire Barf Farm, in [a letter dated 21st February 2017](#), contends, amongst other matters, that the *“denial of the risks of 24 hour quarry dewatering has led to acres of quarried area which was previously high grade agricultural land being turned into a waste land which is now no longer water tolerant. This is to the degree that a mass of permanent water control equipment is now essential in an attempt to keep water levels stable. We have continually warned of ongoing and potential risks”*; previous assurances that working would cease north of the river prior to working to the south; their warnings have been ignored; and they question the validity of what in their view is expressed as a *“misleading, deficient and discrepant Hydrological Statement”*.

5.5 The third representor (for whom the County Planning Authority has not been provided an address) had raised concerns as summarised below:

- the previous development was supposed to have been completed;
- the aerial view within the application documentation omits to include the Thorborough Henges which in their view would be *“adversely affected by further quarrying”*;
- the assessments for both the application for an extension to the south of the river and application for the continuation of working north of the river need to take into account one another; and,
- public notification has been lacking on the application.

5.6 Those making representation in respect of this application were notified on 11th August 2017 of the anticipated date of the meeting to which this application would be presented.

6.0 Planning policy and guidance

6.1 Our planning system is a plan-led system. Section 38(6) of the Planning and Compulsory Purchase Act 2004² places a duty upon the decision-maker to ensure that planning applications are determined in accordance with the *‘Development Plan’*, unless material considerations indicate otherwise. In considering the application, other material considerations need to be taken into account. Such other important considerations include other relevant policy and guidance, particularly national planning policy in the [National Planning Policy Framework](#) (NPPF) and other relevant Government policy statements, as well as that which is provided within the [National Planning Practice Guidance](#)

² Planning and Compulsory Purchase Act: 2004 Chapter 5.
commrep/48

(NPPG). Where relevant, policy and guidance key to the determination of this application is identified in this section of the report.

The 'Development Plan'

- 6.2 In the circumstance of the determination of this particular application, the 'Development Plan' comprises the 'saved' policies of the [North Yorkshire Minerals Local Plan](#) (NYMLP) (insofar as having been 'saved' by Direction of the Secretary of State in 2007) and the adopted Hambleton *Development Plan* comprising the development plan documents (DPDs) of the [Core Strategy](#) (2007), [Development Policies](#) (February 2008) and [Allocations Plan](#) (2010), as well as the extant policies of the Harrogate District [Core Strategy](#) (2009) and the extant policies of the [Harrogate District Local Plan](#) (2001).
- 6.3 Members are asked to note that, where appropriate to do so, textual extracts, rather than full reproduction of policy text, have been used for the purpose of the preparation of this report. Should Members wish to read the full text of the policies themselves and their reasoned justification, the weblinks to the documents in which they are contained are provided below:
- [North Yorkshire Minerals Local Plan](#) (policies 'saved' by Direction, 2007);
 - Hambleton Development Plan Documents (DPDs) which comprise:
 - the [Core Strategy](#) (2007);
 - [Development Policies DPD](#) (February 2008); and,
 - [Allocations Plan DPD](#) (2010);
 - [Harrogate District Local Plan](#) (adopted 19 February 2001); and,
 - [Harrogate Core Strategy](#) (adopted February 2009).
- 6.4 The consideration of local development plan documents relating to two administrative areas, namely Hambleton and Harrogate, arises due to the planning application area within the administrative boundary and also proximate to the boundary of Hambleton District Council.
- 6.5 Where Local Plans have not been updated to take into account the policies in the NPPF, as is the case with the North Yorkshire Minerals Local Plan 'saved' policies, due weight should be given to relevant policies in such plans according to their degree of consistency with the Framework (that is to say, the closer the policies in the Local Plan to the policies in the Framework, the greater the weight that may be given) (Paragraph 215 of the NPPF refers). As such, the relevant 'saved' policies of local plans, including the NYMLP, have been reviewed in light of the policies of the NPPF in order to determine their relevance to the assessment of the current proposal. Overall, but described in more detail below, the relevant 'saved' policies of the NYMLP are considered to be broadly consistent with the aims of the NPPF.
- 6.6 It is important to note at this juncture that emerging local planning policies may be afforded weight in the determination process; however, this is dependent upon their progress through consultation and adoption, as stated in Paragraph 216 of the NPPF. Paragraph 216 within Annex 1 to the NPPF states that decision takers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in (the NPPF) (the closer the policies in the emerging plan to the policies in this framework, the greater the weight that may be given).

In this respect, it is worth noting that the following document contains emerging local policies that may be of relevance to this application:

- the [Minerals and Waste Joint Plan](#) (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority), hereafter referred to as the MWJP.

6.7 The draft MWJP was published in November 2016 for representations. Consultation has commenced (as of 12th July 2017) on an [Addendum of Proposed Changes to Publication Draft](#) for an eight week period over this summer prior to the formal submission (which is expected to take place in November of this year) of the Minerals and Waste Joint Plan to the Planning Inspectorate for subsequent Examination in Public (EiP) in 2018. When the MWJP is submitted, the representations received in connection with the consultation on the Addendum, together with the representations received on the Publication document, will be sent as part of the information supplied for the EiP. It must, therefore, be acknowledged that there remains the potential for the detail of the draft policies to be subject to varying degrees of change until the preparation of the Plan is complete. However, the possible extent of any change will only become more clear as progress is made through the formal process. In light of the stage reached to date, therefore, it would not be appropriate to give any significant weight to this emerging document in respect of the development proposed in this planning application in light of the fact that there are currently, until the matter is considered at Examination in Public (EiP), representations which have been received by the County Planning Authority with regard to the relevant planning policy (i.e. [Policy M07](#) which includes a proposed allocated site including land which is the subject of this application (Site ref. [MJP14](#))). Notwithstanding, the emerging plan aims to find further resources for sand and gravel and divides North Yorkshire up into ‘*northern*’ and ‘*southern*’ distribution areas. To this extent, it maintains the approach set out in the ‘*saved*’ policies of the extant Minerals Local Plan. The application site falls within the ‘*southern distribution area*’, and the emerging plan considers that this area will account for half of the future supply of sand and gravel in the area. More specifically, the application site has also been proposed as a Proposed Allocation, “*in order to meet requirements during the plan period*” of sand and gravel.

North Yorkshire Minerals Local Plan (NYMLP) (‘*saved*’ policies, 2007)

6.8 The Planning and Compensation Act (1991) placed a statutory duty on each County Council in England and Wales to prepare a Minerals Local Plan. The North Yorkshire Minerals Local Plan (NYMLP) was adopted in 1997 under the 1991 Act. In the absence of an adopted Minerals Core Strategy and, in accordance with the provisions of the Planning and Compulsory Purchase Act 2004, as of 27th September 2007 only the ‘*saved*’ policies continue to form part of the statutory ‘*Development Plan*’ and provide an important part of the current local planning policy framework for development control decisions for minerals-related development. Since this date, therefore, NYMLP policies not listed in

the Direction have ceased to be capable of being used for the purpose of determining applications. The NYMLP contains detailed policies in respect of mineral working within the county and the aims of the NYMLP are identified as follows:

- *to ensure an adequate and steady supply of minerals;*
- *to encourage greater use of alternatives to primary resources;*
- *to limit the adverse effects of mineral extraction on the environment and local amenity;*
- *to encourage..the longer term enhancement of the environment and local amenity;*
- *to encourage the utilisation of the most environmentally acceptable standards of mineral operation and processing;*
- *to prevent the unnecessary sterilisation of mineral resources and to minimise potential conflict with non-mineral development; and*
- *to sustain the contribution of mineral related employment to the rural economy.*

6.9 There are a number of ‘saved’ policies contained within the NYMLP which are considered relevant to the determination of this particular application:

- mineral extraction and resource protection:
 - ‘saved’ Policy 3/2 – *Preferred Areas*;
 - ‘saved’ Policy 3/3 – *Areas of Search*; and,
 - ‘saved’ Policy 3/4 – *Other Areas*.
- environmental considerations:
 - ‘saved’ Policy 4/1 – *Determination of Planning Applications*;
 - ‘saved’ Policy 4/6A – *Nature Conservation and Habitat Protection – Local*;
 - ‘saved’ Policy 4/10 – *Water Protection*;
 - ‘saved’ Policy 4/13 – *Traffic Impact*;
 - ‘saved’ Policy 4/14 – *Local Environment and Amenity*;
 - ‘saved’ Policy 4/15 – *Public Rights of Way*;
 - ‘saved’ Policy 4/16 – *Ancillary development etc.*;
 - ‘saved’ Policy 4/18 – *Restoration to agriculture*;
 - ‘saved’ Policy 4/20 – *Aftercare*; and,
- aggregate minerals
 - ‘saved’ Policy 5/1 – *Sand and Gravel Landbanks*.

6.10 ‘Saved’ Policy 3/2 (*Preferred Areas*) states “*in order to maintain landbanks of permitted reserves, proposals for aggregates mineral working in Preferred Areas will be regarded as acceptable in principle. Satisfactory details will have to be submitted before planning permission can be granted*”.

6.11 The NPPF states that planning authorities should plan for “*a steady and adequate supply of aggregates*” providing for “*the maintenance of landbanks of non-energy minerals from outside National Parks*” (in the case of sand and gravel a landbank of at least seven years) by “*making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Coordinating Group as appropriate*”. It then states that “*such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate*” (NPPF Paragraphs 144 and 145 refer). It is considered that this ‘saved’ policy is consistent with the NPPF. It should be noted, however, that the area of land which is the subject of this current application lies to the immediate south of the area previously allocated as a ‘*Preferred Area*’ within the NYMLP which is close approaching

being *'worked out'*. The area of land, the subject of this current application, is not land that has been previously allocated within the adopted NYMLP; however, as will be explained later in this report, it does comprise land which is proposed to be allocated within the emerging proposals for the new Joint Minerals and Waste Local Plan (Appendix 1 to the Publication Draft of the Plan refers).

- 6.12 *'Saved' Policy 3/3 ('Areas of Search')* states planning permission *"may be granted for aggregate mineral working within Areas of Search where the Mineral Planning Authority is satisfied that sufficient mineral cannot be obtained from the Preferred Areas"*. Again, as with the above *'saved' Policy 3/2*, *'saved' Policy 3/3* is considered to be consistent with the principles of the NPPF, as outlined within NPPF Paragraph 145, which seeks an adequate, steady and reliable supply of minerals through the provision of *"specific sites, preferred areas and/or areas of search and locational criteria as appropriate"*.
- 6.13 It is important to note that the site of the proposed development lies neither within an allocated *'preferred area'* (under the provisions of *'saved' Policy 3/3*) nor within an *'area of search'* (under the provisions of *'saved' Policy 3/4*) and while it lies immediately adjacent an existing active mineral working, it is considered that only limited weight can be given to *'saved' policies 3/2 and 3/3* of the NYMLP. This is particularly the case when considering the following:
- the NYMLP was adopted in 1997;
 - paragraph 1.2.3 of the NYMLP states that the NYMLP has a base date of 1st January 1995;
 - the end date of the NYMLP is 31st December 2006;
 - the Preferred Areas and Areas of Search identified as of 1st January 1994 were only proposed to be in place until 31st December 2006; and,
 - all sites within *Preferred Areas* have already been granted planning permission.

Notwithstanding, while the NPPF is silent in the circumstance of ensuring sufficient mineral when promoted sites lie neither within *allocated/preferred areas* or *areas of search*, the NYMLP seeks to address this through its *'saved' Policy 3/4*.

- 6.14 *'Saved' Policy 3/4 ('Other Areas')* states that outside *'preferred areas'* and *'areas of search'*, *"planning permission for aggregate mineral working will normally only be granted for borrow pits and small-scale extensions to existing sites"*. The supporting text to this *'saved' policy* also states that the *"County Council considers that limited extraction around an existing quarry can be acceptable in principle to avoid either sterilising a resource or re-starting working at a later date after mineral working in the existing quarry has ceased. Such proposals will need to be assessed against the other policies in the Plan"*. Again, as with *'saved' Policies 3/2 and 3/3* discussed above, it is considered that the principle of this *'saved' policy* is consistent with the aims of the NPPF in maintaining a supply of aggregates and is therefore aligned with the aims of the NPPF.

Environmental considerations

- 6.15 *'Saved' Policy 4/1 (Determination of Planning Applications)* establishes (in addition to the focus of *'saved' policies 4/6A, 4/10, 4/14 and 4/15*) the criteria

against which applications for minerals-related development are to be assessed as follows:

- (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'.*

6.16 While the NPPF is silent in respect of the matters raised at criteria (a), (b), (c), and (d), Paragraph 144 of the NPPF empathises with criterion (e) in stating that, when determining planning applications, authorities should ensure that any unavoidable emissions or vibrations are “*controlled, mitigated or removed at source*”. It is, therefore, considered that this criterion of the ‘*saved*’ policy is consistent with the NPPF and can therefore be given full weight. Criteria (f) and (g) are reflected within Paragraph 144 of the NPPF in requiring provision for “*restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary*” which ensures consistency with the NPPF and, therefore, full weight may be applied. With regard to criterion (h), there is no conflict with the NPPF, but Paragraph 32 of the NPPF goes beyond this by seeking decisions which take into account whether improvements to the transport network can be undertaken that cost effectively limit the significant impacts of a proposed development going further still to indicate that development should only be prevented or refused on such grounds where the residual cumulative impact would be ‘*severe*’. Therefore, the NPPF is to be given more weight than criterion (h). Finally, criterion (i) is consistent with Paragraph 144 of the NPPF in taking into account cumulative effects of multiple impacts from individual sites and/or effects from a number of sites in a locality and criterion (i) is, therefore, apportioned full weight.

6.17 ‘*Saved*’ Policy 4/6A (*Nature Conservation and Habitat Protection – Local*) seeks the protection of the interest of nature conservation or geological interest of Local Nature Reserves “*and of other sites having a nature conservation interest or importance*” and encourages due regard to be had to other wildlife habitats. It is considered to be consistent with Paragraph 109 of the NPPF which seeks, not only their safeguarding, but also contributions to and enhancement of the natural and local environment by reducing biodiversity impacts whilst, at the same time, confirming that developments should seek to provide net gains in biodiversity where possible, to stop the decline in biodiversity. Accordingly, due weight is, therefore, afforded to ‘*saved*’ NYMLP Policy 4/6A.

6.18 In that the proposed development, the subject of this application, involves the extraction of mineral both laterally and in depth, ‘*saved*’ Policy 4/10 of the NYMLP (guarding against unacceptable impacts upon surface or groundwater

resources) is a relevant policy to which due regard must be had. This is considered to be consistent with NPPF's Paragraph 109 which seeks to ensure only proposals which do not pose unacceptable surface or groundwater resource impacts are permitted and is, furthermore, consistent with NPPF's Paragraph 143 which states that "...*authorities should: set out environmental criteria...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 migration of contamination from the site*". Given its NPPF consistency, full weight may, therefore, be attributed to 'saved' Policy 4/10 of the NYMLP.

- 6.19 'Saved' Policy 4/13 of the NYMLP considers the potential of traffic impact when considering new development proposals and, in particular, states that "*mining operations [...] will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network*". While it does not conflict with the NPPF, when assessing its consistency with the NPPF there are differences in objectives between the two policies. Paragraph 32 of the NPPF specifically states that improvements to the transport network should be considered and that developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. It is, therefore, considered that the NPPF should be given more weight than 'saved' NYMLP Policy 4/13.
- 6.20 'Saved' Policy 4/14 of the NYMLP considers proposed development against potential impacts on the local environment and amenity requiring proposals to be permitted "*only where there would not be an unacceptable impact on the local environment or residential amenity*". Again, this is consistent with NPPF's Paragraph 109 which requires proposals do not give rise to an unacceptable impact upon the local environment or residential amenity and is similarly consistent with Paragraph 144 of the NPPF which requires authorities to "*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*". As a consequence, 'saved' Policy 4/14 may be afforded full weight in the determination of this application.
- 6.21 In instances where a proposed development would give rise to the interruption, obstruction or conflict with a public right of way (PRoW), 'saved' Policy 4/15 states it would "*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*". While this policy's consistency with the NPPF can be found within Paragraph 75 which states that "*policies should protect and enhance public rights of way and access*", it goes further in that it seeks "*opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*". Nevertheless, 'saved' Policy 4/15 maintains consistency with the NPPF and may, therefore, be afforded full weight in the determination of this application.
- 6.22 'Saved' Policy 4/16 considers the environmental implications of ancillary aspects of development upon the environment, which in the case of this

application would include the existing processing plant area incorporated within the application site boundary of this current application. This 'saved' policy states that proposals will be expected to be "sited, designed and maintained so as to minimise the impact on the environment and local amenity. The use of plant, machinery and buildings will be restricted to processes primarily using minerals produced from the site. Permission will normally be limited to the permitted life of the site for mineral extraction". Similar to the considerations in respect of 'saved' Policy 4/14 above, 'saved' Policy 4/16 is considered to be consistent with the NPPF and afforded full weight in this instance.

- 6.23 'Saved' Policy 4/18 is also considered relevant to this application given the proposed restoration. The Policy states, "the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land". Policy consistency with the NPPF is achieved when one considers Paragraph 144 of the NPPF which states, when determining planning applications, authorities should "provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary". It is considered that the principle of what the policy says in relation to restoration of land to agricultural use is relevant and renders the 'saved' Policy 4/18 NPPF-consistent.
- 6.24 Embedded within policy for minerals development proposals is the long-term after-care of sites, 'saved' Policy 4/20 of the NYMLP is engaged in this instance with a proposed extended 'after-care' period. The after-care requirement seeks 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" and, like 'saved' Policy 4/18 above, is also consistent with Paragraph 144 of the NPPF.

Aggregate minerals

- 6.25 'Saved' Policy 5/1 relates to the future requirement for sand and gravel within the county and states 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.'*
- 6.26 This 'saved' policy is considered to be consistent with the aims of the NPPF in seeking to maintain an adequate and steady supply of aggregate materials and aligns with NPPF Paragraph 144 which states authorities should "give great weight to the benefits of 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' as well as Paragraph 145 which states that "authorities should plan for a steady and adequate supply of aggregates by 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” and, as a consequence, is afforded full weight in the determination of the current application.

Hambleton District Council - Core Strategy Policies (adopted April 2007)

[relevant insofar as the application area being proximate to the administrative boundary of the Hambleton District Council]

- 6.27 While the documents that comprise the ‘*Development Plan*’ prepared by the District Council do not contain policies directly relating to the determination of applications involving minerals-related development proposals which are ‘*county matters*’, they nevertheless do form an integral part of the suite of planning policies against which the current application must be assessed. The documents contain general development management policies and a number are relevant to the determination of this application.
- 6.28 As earlier referred, the statutory *Development Plan* for the district of Hambleton comprises the [Core Strategy](#) (2007), the [Development Policies](#) DPD (2008) and the [Allocations Plan](#) DPD (2010); all of which were adopted prior to the publication of the NPPF in 2012. However, they are taken for the purpose of this report to be the Local Planning Authority’s most up-to-date *Development Plan* policies to be used when determining planning applications. In the absence of an *NPPF compliance statement/checklist* prepared by Hambleton District Council, this report has undertaken an assessment of the relevant policies against the NPPF, in accordance with Paragraph 215 of the NPPF.
- 6.29 The *Core Strategy* policies considered of most relevance to determining this particular application comprise:
- CP1 – Sustainable development;
 - CP16 – Protecting and enhancing natural and man-made assets’;
 - CP17 – Promoting high quality design;
 - CP18 – Prudent use of natural resources;
 - CP19 – Recreational facilities and amenity open space; and,
 - CP21 – A safe response to natural and other forces.
- 6.30 Core Strategy Policy CP1 looks at meeting local development needs in a sustainable way. In particular, it states that “*the use and development of land will be assessed against the community’s housing, economic and social requirements, protection and enhancement of the natural and built environment and minimisation of energy consumption and the need to travel. Development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they [inter alia] promote and encourage or protect and enhance:*
- iii. *the health, economic and social well-being, amenity and safety of the population;...*
 - v. *the quality of natural resources including water, air, land and biodiversity;*
 - vi. *the natural drainage of surface water;*
 - vii. *the vitality of the area;*
 - viii. *a high quality and adaptability of development;*
 - ix. *the character and quality of local landscapes and the wider countryside;...*

xi. the historic and cultural features of acknowledged importance”.

Policy CP1 reflects the fundamental principles of the NPPF on achieving sustainable development.

- 6.31 With respect to the specific element of this policy relating to transport, it is considered that only limited weight is capable of being applied in this instance due to the NPPF stating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are ‘severe’ and, therefore, only limited weight may be given in this instance. However, it is considered that full weight can be awarded to the other aspects of the policy as they are considered to be consistent with the environmental protection aims of the NPPF.
- 6.32 Core Strategy Policy CP16 addresses how to maintain quality environments. In particular, it states that development or other initiatives “*will be supported where they preserve and enhance the District’s natural and manmade assets... Particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity. Development or activities will not be supported which:*
- i) has a detrimental impact upon the interests of a natural or man-made asset;*
 - ii) is inconsistent with the principles of an assets proper management; or*
 - iii) is contrary to the necessary control of development within national or locally designated areas.*
- Any necessary mitigating or compensatory measures must be provided to address potential harmful implications of development”.*
- 6.33 This Core Strategy policy is considered to be broadly consistent with the NPPF objectives in conserving and enhancing the natural environment and particularly the importance of providing net gains in biodiversity (NPPF’s Section 11 refers and, more specifically, Paragraph 109). Full weight is, therefore, capable of being applied to this Policy CP16.
- 6.34 Core Strategy Policy CP17 seeks to promote high quality design and states that “*the requirement to achieve a high quality of design of both buildings and landscaping is a priority in the case of all development proposals. Support will be given for proposals that are consistent with the LDF’s detailed design policies and meet all the following requirements:*
- i. provide an attractive, functional, accessible, safe and low maintenance development;*
 - ii respect and enhance the local context and its special qualities, including its urban design, landscape, social activities and historic environment, and incorporate public art where appropriate;*
 - iii optimise the potential of the site.....*
- 6.35 This policy is considered to be broadly consistent with the NPPF objectives for requiring good design as outlined within Section 7 of the NPPF which emphasises the government’s stance on the design of the built environment. Therefore, full weight is given to this policy in the determination of this application.
- 6.36 This policy is also considered broadly consistent with the NPPF objectives of conserving and enhancing the natural environment outlined within Section 11 of the NPPF.

- 6.37 The Core Strategy's Policy CP18 seeks to ensure that the impact of development upon natural resources is minimised and the potential use of renewable resources is maximised. The NPPF aims to ensure that development is carried out sustainably and that the planning system has an '*environmental role*' in ensuring natural resources are utilised prudently. It is, therefore, considered that Policy CP18 is NPPF-consistent and should be afforded full weight in the determination of this planning application.
- 6.38 Core Strategy Policy CP19 considers the need to provide sufficient recreational space. The policy lends support to developments that "*protect, retain or enhance existing recreational and amenity assets, lead to the provision of additional assets, or improve access to facilities, particularly by non-car modes of transport. This will include support for greater access to and enjoyment of the countryside*". This is considered broadly consistent with the NPPF objectives of '*Promoting Healthy Communities*' which outlines the importance of delivering recreational facilities (NPPF's Section 8 refers and more particularly, Paragraph 70). Therefore, full weight is given to this policy in the determination of this application.
- 6.39 Core Strategy Policy CP21 addresses the human and environmental consequences of natural or other forces including, for example, the risk of flooding. More specifically, the policy states that "*development and service provision must seek to ensure that communities and the environment are not adversely affected by the actions of natural or other forces. Proposals must take particular account of the need to:*
- i. ensure protection from, and not worsen the potential for flooding;*
 - ii mitigate development from the consequences of pollution, noise or hazardous activities."*
- 6.38 This policy is considered to be broadly consistent with NPPF objectives of meeting the challenge of flooding (NPPF's Section 10 refers) and the NPPF's Paragraph 123 which aims, *inter alia*, include the avoidance of noise giving rise to significant adverse impacts on health and quality of life as a result of new development and, where this is not possible, the mitigation and reduction to a minimum of noise through conditions having regard to noise-sensitive/tranquil environments such as those "*prized for their recreational and amenity value*". For these reasons, full weight is afforded to this policy in the determination of this application.

Hambleton District Council - Development Policies (February 2008)

[relevant insofar as the application area being proximate to the administrative boundary of the Hambleton District Council]

- 6.39 The *Development Policies* DPD provides further details to assist the delivery of the Hambleton District Council's Local Development Framework's Core Strategy, which sets out the long-term spatial vision, and the spatial objectives and strategic policies to deliver that vision.
- 6.40 The following policies are considered relevant for consideration in the determination of this application:

- DP1 – Protecting amenity;
- DP2 – Securing developer contributions;
- DP28 – Conservation;
- DP29 – Archaeology;
- DP30 – Protecting the character and appearance of the countryside;
- DP31 – Protecting natural resources: biodiversity & nature conservation;
- DP32 – General design;
- DP33 – Landscaping;
- DP37 – Open space, sport and recreation;
- DP43 – Flooding and floodplains; and,
- DP44 – Very noisy activities.

- 6.41 Policy DP1 relates to the preservation of amenity; specifically stating that development “*must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight...[and]...must not unacceptably...affect the amenity of residents or occupants*”. It is considered that the policy is consistent with the general aims of NPPF’s Section 11 and, therefore, full weight may be given to this policy.
- 6.42 Policy DP2, aligning with NPPF guidance on imposing planning conditions and obligations and, thereby, given full weight, seeks to ensure that developers provide necessary financial contributions towards facilitating sustainable development more specifically, “*contributions from developers will be sought where necessary to ensure the achievement of sustainable development...where appropriate...*”
- ii. *landscaping, of the setting of development, and related areas;...*
 - viii. *additional highway...infrastructure...footpaths...links to or creation of new public rights of way;...*
 - x. *flood protection measures and sustainable drainage systems;*
 - xi. *habitat creation such as ponds, wetlands or wildlife corridors...”.*
- 6.43 Policy DP28, which is NPPF-consistent by broadly aligning with the national objectives of requiring good design (NPPF Section 7 refers), seeks to ensure that heritage assets are protected from adverse development impacts, stating “*conservation of the historic heritage will be ensured [inter alia] by:*”
- i. *preserving and enhancing Listed Buildings; ...*
 - iv. *protecting and preserving any other built or landscape feature or use...*
- 6.44 With specific regard to archaeology, Policy DP29, broadly consistent with the NPPF’s objectives (NPPF Paragraphs 131 & 144 refer) and therefore afforded full weight, seeks to support development that takes account of the significance of the remains:
- i. *in the case of Scheduled Monuments...and other nationally important archaeological sites and their settings, by operating a presumption in favour of their preservation; and,*
 - ii. *in the case of other remains of lesser significance, development affecting the site and its setting will only be permitted where the need for development and other material considerations outweigh the importance of the remains. Such remains should be preserved in situ. Where this is not justifiable or feasible, appropriate and satisfactory arrangements will be required for the excavation and recording of the archaeological remains and the publication of the results.*

In areas of known or potential archaeological interest, an appropriate assessment and evaluation must be submitted to accompany any development proposals...

- 6.45 Policy DP30 which seeks to protect the character and appearance of the countryside is also consistent with NPPF stated objectives as referred within its Section 11. It does this by stating *“the openness, intrinsic character and quality of the...landscape will be respected and where possible enhanced... [particularly the AONB] ...in order to secure the conservation of these important landscape assets....[more generally development] design and location...should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views... [taking] ...full account of the nature and distinctive qualities of the local landscape. The use of techniques such as landscape character analysis to establish the local importance, and the key features that should be protected and enhanced, will be supported. Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features...”* Full weight is, therefore, afforded to this policy.
- 6.46 The protection habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat, is sought by Policy DP31 which supports proposals where they would not give rise to significant harm to such sites as well as lending support to the enhancement and increase in the number of sites and habitats of nature conservation value, and, in particular, those that meet Biodiversity Action Plan objectives. This particular policy is also aligned with the objectives as set down within Section 11 of the NPPF and, therefore, due weight is attributable.
- 6.47 Policy DP32 encourages design of the highest quality and one that is creative, innovative and sustainable, providing *“connected spaces...offering a safe and attractive environment”* and safeguarding *“key views...landmarks and focal points”*; whilst, at the same time, respecting local character and setting (including landscape) and retaining *“existing important species and habitats and maximising opportunities for habitat enhancement, creation and management...”* This aligns with the NPPF’s Section 7 which focusses upon requiring good design and the policy is, therefore, afforded full weight.
- 6.48 Policy DP33, focussing upon landscape, is also aligned with the good design objectives of NPPF Section 7 and is, therefore, NPPF-consistent. In forming an integrated part of a proposed development, the policy seeks landscaping schemes which create a *“visually pleasant, sustainable and biodiversity-rich environment”* and protect as well as, *inter alia*, enhance key landscape features, contribute to *“character, appearance and sense of place”* and promote a public realm *“rich in identity, attractive and safe”*.
- 6.49 In Policy DP37 lies policy support for proposals that provide outdoor recreational facilities which aligns with the stated objectives within NPPF Section 8 and, therefore, full weight may be applied.
- 6.50 Policy DP43 seeks to ensure that risk from flooding is not increased and specifically, seeking to avoid *“adverse effect on watercourses or increase the*

risk of flooding elsewhere” as well as mitigating and relieving the risk of flooding of existing development. This policy is considered to be broadly consistent with the NPPF objectives of meeting the challenge of climate change, flooding and coastal change as outlined within Section 10 of the NPPF and, therefore, attributed full weight.

- 6.51 Policy DP44 seeks to ensure that increased noise pollution does not negatively impact on local amenity; specifically stating that “*noise sensitive development will not be permitted in areas where potential for harmful noise levels is known to exist*” and harmful noise level-generating development “*will be directed to appropriate locations away from known noise sensitive locations*”. This is broadly consistent with the NPPF’s objectives outlined within Section 11, and specifically Paragraph 123 of the NPPF.

Harrogate District-wide Local Plan (2001) and Alteration (2004) ‘saved’ Policies:

- 6.52 The following ‘saved’ policies are considered relevant for consideration in the determination of this application:
- C2 – Landscape character;
 - NC3 – Local wildlife sites;
 - NC4 – Semi-natural habitats;
 - HD7A – Parks & gardens of historic interest;
 - HD20 – Design of new development; and,
 - R11 – Rights of Way
- 6.53 ‘Saved’ Policy C2 seeks development that protects existing landscape character and “*where restoration of the landscape is necessary or desirable, opportunities should be taken for the design and landscaping of development proposals to repair or reintroduce landscape features, to the extent that this is justified by the effects of the proposal.*” This policy is NPPF-consistent in that it aligns with the objectives as referred within its Section 11.
- 6.54 With landscape enhancement measures forming part of the proposals in the current application, this policy is considered relevant and, as a consequence, is assessed for consistency against the NPPF. In that the fifth bullet point of NPPF Paragraph 17 (which in its entirety defines the NPPF’s twelve Core Planning Principles) states that planning should ‘... *take account of the different roles and character of different areas [...] recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it*’ and that Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and geological conservation interests and minimising impacts on biodiversity, it is considered that Policy C2 is consistent with the thrust of the NPPF.
- 6.55 ‘Saved’ Policy NC3 safeguards against development likely to adversely affect a Local Nature Reserve (LNR) or Site of Importance for Nature Conservation (SINC). While the *High Batts* area of the SSSI is referred to as a Nature

Reserve, it is absent within the listing of local designations. Furthermore, notwithstanding this policy's broad alignment with NPPF Paragraph 109, it is nevertheless distinguishable in that the NPPF policy steers development toward minimising impacts on biodiversity and providing biodiversity net gains and for the purpose of the determination of this application. This particular policy of the *development plan* (Policy NC3) is only afforded limited weight as the NPPF has greater regard for the potential for short-term impacts to be off-set by longer term benefits and the NPPF policy is, therefore, given more weight in this instance.

- 6.56 With reference to semi-natural habitats, 'saved' Policy NC4 seeks to protect such sites from development that would give rise to their loss or damage. Whilst again broadly consistent with NPPF Paragraph 109, this policy is only given limited weight as it does not wholly align with the national policy which again takes more account for the potential of short-term impacts being off-set by longer term benefits.
- 6.57 'Saved' Policy HD7A states that development "*will not be permitted where it would adversely affect the character or setting of parks and gardens included in the English Heritage Register of Parks and Gardens of Special Historic Interest*". This is considered to be broadly consistent with the NPPF's objectives (NPPF Paragraphs 131 & 144 refer) and is, therefore, afforded due weight.
- 6.58 Within the Harrogate District Local Plan, 'Saved' Policy HD20, advises that proposals must, *inter alia*, take into account the following design principles relative to this current application in that:
- [it] *should be designed with suitable landscaping as an integral part of the scheme;*
 - *special consideration [should] be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;*
 - [it] *should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings; and,*
 - [it] *should, through design, layout and lighting, pay particular attention to the provision of a safe environment.*
- 6.59 This Policy is considered to be partially consistent with the NPPF's objectives of achieving sustainable development through good design, as outlined in Section 7, in particular as detailed in Paragraphs 56 and 58 of the Framework, which relate to development respecting the character of the area. It is noted however, that the NPPF states that "*planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation*". NPPF Paragraph 61 states "*although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment*".
- 6.60 Furthermore, NPPF Paragraph 64 states that permission "*should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*". In terms

of the design aims of Policy HD20, it can be considered that the policy is broadly consistent with the aims of the NPPF and some weight may, therefore, be afforded.

- 6.61 ‘Saved’ Policy R11, considered NPPF-consistent (Paragraph 75) and capable of being attributed full weight, states,
*“When considering development proposals which affect existing public rights of way, these rights of way and the opportunities they afford for informal recreation should be retained.
Developments which would result in harm to the character or recreational and amenity value of existing rights of way and which do not involve the satisfactory diversion of the route will not be permitted”.*

Harrogate District Core Strategy (2009)

- 6.62 The [Core Strategy](#) DPD sets out the direction and strategy for development and conservation in the Borough up to the year 2021 and beyond. Although Harrogate Borough Council are not the statutory planning authority for mineral-related development proposals, it is considered that, in forming an integral part of the *Development Plan* against which this current application must be assessed, it does contain policies relevant to the determination of this planning application. Those policies comprise:
- SG4 – Design and Impact;
 - TRA1 – Accessibility;
 - EQ1 – Reducing the risks to the environment; and,
 - EQ2 – The Natural and Built Environment and Green Belt
- 6.63 Policy SG4 seeks to ensure that a development’s *scale, density, layout and design should make the most efficient use of land*, and that *‘visual, residential and general amenity should be protected and where possible enhanced’*. This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, as outlined in NPPF Paragraph 17 that relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Therefore, full weight can be given to this policy in the determination of this application.
- 6.64 Policy TRA1 of the Core Strategy is relevant insofar as it requires a Transport Assessment to be undertaken by developers which proposals are likely to give rise to significant transport implications. This aligns wholly with NPPF Paragraph 32 which also requires such an assessment in such circumstances and the Core Strategy Policy TRA1, as a result, may be afforded full weight.
- 6.65 The Core Strategy’s Policy EQ1 requires, amongst other matters, that development proposals reduce both energy and water consumption and have regard for climate change (e.g. flooding) and risks to the environment (e.g. pollution). As such, it requires development proposals to plan for, design, construct and operate proposals with these in mind.
- 6.66 Furthermore, Policy EQ2 provides the Borough Council’s response to development within both the natural and built environment of the district. Within the Strategy, paragraph 7.36 *“recognises the importance of those sites/areas of international and national importance for the protection and enhancement of the Districts character, biodiversity, landscape and heritage”*. It is considered

that the policy is consistent with NPPF Paragraph 132 where it considers in instances where there are impacts “*on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting*”. It is, therefore, considered that Core Strategy Policy EQ2 is NPPF-consistent and lent weight in the determination of this application.

National Planning Policy & Planning Practice Guidance

- 6.67 It is important to note that since the time of the submission of the application to the current date, the national policy and guidance considerations have altered and, consequently, the relevant and applicable national planning policy can be found within the:
- [National Planning Policy Framework](#) (NPPF) (published March 2012); and
 - [National Planning Practice Guidance](#) (PPG) (published March 2014).
- 6.68 The [National Planning Policy Framework](#) (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied and whilst not forming part of the statutory *Development Plan*, is nevertheless an important material consideration in the determination of all applications for planning permission.
- 6.69 The NPPF’s Paragraph 12 states that “*proposed development that accords with an up-to-date Local Plan should be approved*”; conversely, “*proposed development that conflicts should be refused unless other material considerations indicate otherwise*”. It is important to bear in mind that the NPPF does not change the statutory status of the *Development Plan*.
- 6.70 The Framework introduces a presumption in favour of sustainable development which should be seen as a ‘*golden thread*’ running through both plan-making and decision-taking (Paragraph 14 refers) meaning:
- approving proposals that accord with the *Development Plan* without delay; and,
 - where the *Development Plan* is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
 - specific policies in the NPPF indicate development should be restricted.
- 6.71 Whilst the NPPF inevitably deals with a wide range of topics, there are a number of policy references that are of particular relevance to the current application including:
- Building a strong, competitive economy (Section 1):*
- Paragraph 19 refers to the Government commitment to “*ensuring that the planning system does everything it can to support sustainable economic growth*” and places “*significant weight*” upon “*the need to support economic growth through the planning system*”;
- Promoting sustainable transport (Section 4):*
- *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 (Paragraph 32 refers);

Requiring good design (Section 7):

- *“It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes” (Paragraph 57 refers);*
- *developments should “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...sustain an appropriate mix of uses...respond to local character and history, and reflect the identity of local surroundings...create safe and accessible environments... and visually attractive” (Paragraph 58 refers);*
- *decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Paragraph 61 refers);*

Meeting the challenge of climate change, flooding and coastal change (Section 10):

- *“Planning plays a key role in helping shape places to secure... minimising vulnerability and providing resilience to the impacts of climate change” (Paragraph 93 refers);*
- *authorities “should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment” (Paragraph 103 refers);*

Conserving and enhancing the natural environment (Section 11):

- *development should protect and enhance valued landscapes and soils, minimise impacts on biodiversity and provide net gains to biodiversity where possible as well as “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate” (Paragraph 109 refers);*
- *“the economic and other benefits of the best and most versatile agricultural land” should be taken into account (Paragraph 112 refers);*
- *where a proposed development lies proximate to, or within a SSSI, and is likely to lead to adverse effect, permission should only be granted by exception on the basis of the benefits “clearly” outweighing any impacts (Paragraph 118);*
- *similarly, where proposals would result in loss or deterioration of irreplaceable habitats (including ancient woodlands, trees), they should be refused unless such losses are outweighed by the need for and/or benefit of the proposals (Paragraph 118 refers);*
- *authorities should ensure that development is “appropriate for its location” and that account is taken of a development’s “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” (Paragraph 120 refers);*
- *authorities should “focus on whether the development itself is an acceptable use of the land and the impact of the use” (Paragraph 122 refers);*
- *decisions should aim to “protect areas of tranquility” as well as “avoid noise from giving rise to significant adverse impacts [and/or] mitigate and reduce to a minimum other adverse impacts on health and quality of life through the use of conditions” whilst at the same time avoiding “unreasonable restrictions” on existing businesses (Paragraph 123 refers)*

Conserving and enhancing the historic environment (Section 12)

- authorities should ensure submission of a description of the significance of any heritage assets that may be affected by a development, *“including any contribution made by their setting”* which is *“proportionate to the assets’ importance”* (Paragraph 128 refers). Furthermore, they should *“identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence”* (Paragraph 129 refers);
- authorities should take account of:
 - *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,*
 - *the desirability of new development making a positive contribution to local character and distinctiveness’* (Paragraph 131 refers)
- Paragraph 132 places *“great weight”* upon an asset’s conservation, noting that the level of weight should increase, the greater the importance of the heritage asset. It is further noted that *“significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’*. Of particular relevance to the determination of the current application, is that it advises *“substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments...grade I and II* listed buildings, grade I and II* registered parks and gardens...should be wholly exceptional’*. Paragraph 133 then goes on to specify the criteria against which a proposal must be assessed were permission to be granted in the case of substantial harm or total loss of significance of a designated heritage asset and, finally, Paragraph 134 explains the necessary consideration in instances where *less than substantial harm* would result i.e. that the public benefits of a proposal must be weighed against the harm;
- the effect of an proposal upon a non-designated heritage asset’s significance should be taken into account and where applications directly, or indirectly, affect non-designated heritage assets, *“a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”* (Paragraph 135 refers);
- Paragraph 137 encourages proposals within the setting of heritage assets that can *“enhance an better reveal their significance”* going so far as to say that proposals that those that make a positive contribution to or better reveal the significance of an asset would be looked upon *“favourably”*;

[Officer note to Members: In the circumstance of this application, the presence of designated heritage assets (e.g. Norton Conyers and its Registered Park & Garden) requires regard to be had to paragraphs 128, 129, 131, 132, 134, 135 and 137 within the NPPF. In addition, regard must also be had to the provisions of Section 66 of the [Planning \(Listed Buildings & Conservation Areas\) Act 1990](#) which requires planning authorities to *“have special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses”*]

Facilitating the sustainable use of minerals (Section 13):

- *“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 the best use of them to secure their long term conservation”* (Paragraph 142);
- authorities should, *inter alia*,:

- *give great weight to the benefits of mineral extraction, including to the economy* (1st bullet point);
- *ensure...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 and/or from a number of sites in a locality* (3rd bullet point);
- *ensure...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* (4th bullet point); 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* (6th bullet point).
- with regard to the provision of sand and gravel, the NPPF states mineral planning authorities should make “*provision for the maintenance of [a] landbank of, at least, 7 years*” (Paragraph 145 refers).

‘Decision-taking’

- 6.72 Authorities are asked to approach decision-taking “*in a positive way to foster the delivery of sustainable development*” (Paragraph 186 refers) and “*should look for solutions rather than problems and [...] should seek to approve applications for sustainable development where possible [...working...] proactively with applicants to secure development that improve the economic, social and environmental conditions of the area*” (Paragraph 187 refers).
- 6.73 With regard to the imposition of planning conditions and obligations, Paragraph 203 requires planning authorities to “*consider whether otherwise unacceptable development could be made acceptable through the use of conditions [so long as they are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects] or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*”. Furthermore, planning obligations should only be sought where 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 (Paragraph 204 refers).
- 6.74 Paragraph 205 states that “*where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled*”.
- 6.75 Paragraph 206 states that “*planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*”.

National Planning Practice Guidance (PPG) (2014)

- 6.76 The online [National Planning Practice Guidance](#) (NPPG) which was first published 6th March 2014 has since been updated on a number of occasions and in a number of respects. It replaced a suite of previous planning circulars and guidance documents and contains advice on a variety of planning topics. The NPPG is intended to be read alongside policy expressed within the NPPF. Taking the content in the sequential numbering order as the guidance appears

on the internet, the relevant sections to which regard is to be had in the determination of the current application include sections on:

- *mitigation against the impacts of climate change (Section 6)* advising climate change “*is central to the economic, social, and environmental dimensions of sustainable development*” and planning has a role to play in increasing resilience to climate change impact when considering development proposals;
- *risk giving rise to flooding events not previously experienced or new ones (Section 7)* advises that the NPPG underpins the NPPF’s strict tests to protect people and property from flooding through the use of identified procedures aimed at assessing, avoiding, managing and mitigating flood risk and confirms flood risk to be a material consideration;
- *visual impacts both locally and beyond and impacts upon wider landscape character (Section 8)* promoting the undertaking of landscape assessments to accompany planning applications to provide an understanding of the character and local distinctiveness of the landscape by identifying the features that give it a sense of place;
- *safeguarding of biodiversity and sites of local, national or international designation as well as possible loss of protected species and their associated habitats (Section 8)* highlighting areas where biodiversity maintenance and enhancement has the potential to make a significant contribution to biodiversity and advising where “*there is a reasonable likelihood of a protected species being present and affected by development*”, then ecological surveys may be warranted, but only proportionate to the nature, scale and bio-diversity impacts of the development proposed;
- *impacts upon agriculture and the quality of the land in the area in respect of ‘best and most versatile land’ (BMV land) i.e. Grade 3a and above (Section 8)* advising that the “*planning system should protect and enhance valued soils and prevent the adverse effects of unacceptable levels of pollution*” by dint of the fact that soils are “*an essential finite resource*”;
- *impacts upon features of archaeological and heritage value (Section 18a)* advising the protection and enhancement of the historic environment “*is an important component of the NPPF’s drive to achieve sustainable development*” which underpins the planning system and “*heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits*”;
- *mitigation against noise impacts (Section 30)*. It confirms the need for noise to be considered in taking decisions on proposed developments;
- *impacts upon air quality including dust (Section 32)* advising that any assessment should be “*proportionate to the nature and scale of the development proposed and the level of concern about air quality*” and the control of dust and other emissions may be secured through the use of conditions as necessary;
- *quality of water, its supply and related infrastructure as well as possible ground and/or surface water impacts (Section 34)* advising “*where necessary an assessment of the likely impacts of a proposed development including scheme design and the provision of mitigation measures will often be sufficient to avoid harm to water sources and bodies*”;
- *public rights of way (Section 37)*;
- *traffic impacts (Section 42)*; and,
- *risks to community health and well-being (Section 53)* advising authorities should ensure that health and wellbeing are considered in the planning decision making process and potential pollution and other environmental factors which may have an adverse impact on human health should be accounted for in the consideration of new development proposals.

- 6.77 With specific reference to minerals-related development, the NPPG provides supplementary advice within Section 27. It recognises the supply of minerals presents special characteristics not necessarily relevant to other types of development proposals, e.g.:
- *'minerals can only be worked where they occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited'* by these constraints;
 - *'mineral working is a temporary activity although the extraction often takes place over a long period of time;*
 - *'mineral working may present both adverse and positive environmental effects, but some adverse impacts can be effectively mitigated; and*
 - *'following working, land should be restored to make it suitable for beneficial after-use'.*
- 6.78 It gives consideration to the merits of focusing on extensions to existing sites rather than new sites and states *'the suitability of each proposed site, whether an extension to an existing site or new site, must be considered on its individual merits, taking into account issues such as:*
- *'need for the specific mineral;*
 - *'economic considerations (such as being able to continue to extract the resource, retaining jobs, being able to utilise existing and other infrastructure);*
 - *'positive and negative environmental impacts (including the feasibility of a strategic approach to restoration); and*
 - *'the cumulative impact of proposals in an area.'*
- 6.79 Reference is also made within the online guidance to the statutory duty placed upon mineral planning authorities to ensure a sufficient landbank for sand and gravel (at least seven years) to meet existing and future increases in demand with reasonable certainty.
- 6.80 Particular emphasis is paid to two important elements of minerals planning, restoration and *'after-care'*, their securing through planning conditions and/or legal agreements/obligations and, while recognising the detail will depend on the circumstances of the individual site and the expected duration of the works, advises such detail will 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;*
 - *a landscape strategy; and*
 - *where work 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; and*
 - *restoration may, in some cases, need to be undertaken in phases so as to minimize local disturbance or impacts.*
- 6.81 With regards planning conditions, authorities are advised to *'frame conditions to secure 'progressive' or 'rolling' restoration and aftercare to minimize the area of land occupied at any one time by mineral working'... 'unless doing so would be likely to adversely affect the standard of reclamation achieved'* and when

considering the efficacy of restoration and aftercare conditions, key elements should include:

- *stripping of soils and soil-making materials and either their storage or direct replacement (i.e. restoration) on another part of the site;*
- *storage and replacement of overburden;*
- *achieving the landscape and landform objectives for the site, including the filling operations if required, following mineral extraction;*
- *restoration, including soil placement, relief of compaction and provision of surface features; and finally,*
- *after-care.*

6.82 With specific respect to minerals-related development in relation to noise, the guidance advises “*the carrying out a noise impact assessment, which should identify all sources of noise and for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood*” and also provides guidance on establishing a noise limit by means of a planning condition, putting forward suggested thresholds to protect noise sensitive properties as follows depending upon “*specific circumstances may justify some small variation being allowed*”:

- *authorities should aim to establish a noise limit, at the noise sensitive property that does not exceed the background noise level ($L_{A90,1h}$) 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 should be set as near that level as practicable. In any event the total noise from the operations should not exceed 55dB(A) $L_{Aeq,1h(free\ field)}$*
- *for operations during the evening (1900-2200) the noise limits should not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) and should not exceed 55dB(A) $L_{Aeq,1h(free\ field)}$*
- *for operations during the period 2200-0700 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) $L_{Aeq,1h(free\ field)}$ at a noise sensitive property.*
- *where a site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect.*
- *peak or impulsive noise, which may include some reversing alarms, may also require separate limits that are that are independent of background noise (L_{max} in specific octave or third octave frequency bands – and that should not be allowed to occur regularly at night).*

6.83 The NPPG does recognise there may be occasions when increased temporary day time noise limits may be acceptable as follows:

- *increased temporary daytime noise limits of up to 70dB(A) $L_{Aeq,1h(free\ field)}$ for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs;*
- *where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain environmental benefits. Within this framework the 70dB(A) $L_{Aeq,1h(free\ field)}$ limit referred to above should be regarded as the normal maximum.*

- 6.84 In terms of the water environment and minerals development, the NPPG advises “*mineral workings can be large and may afford opportunities for applying the sequential approach at the site level. It may be possible to locate ancillary facilities such as processing plant and offices in areas at lowest flood risk. Sequential working and restoration can be designed to reduce flood risk by providing flood storage and attenuation. This is likely to be most effective at a strategic (county) scale*”.
- 6.85 Finally, with specific regard to planning obligations/agreements/undertakings, the NPPG advises that they are capable of mitigating the impact of unacceptable development “*to make it acceptable in planning terms*”, but they “*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*”.

7.0 Main planning considerations

- 7.1 As earlier referred, the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 require the ‘*starting point*’ in the determination of planning applications to be the *Development Plan*. All planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless there exist material considerations, including any impacts upon interests of acknowledged importance, indicating that planning permission should not be forthcoming. Therefore, the assessment of the overall ‘*planning balance*’ is conveyed here within this section of the report.
- 7.2 In the particular instance of this application, there are a range of planning policies within the documents that comprise the *Development Plan* (Section 6.0 above refers) and a number of other material considerations to which due regard must be had.
- 7.3 In considering the relationship of this proposal to the *Development Plan*, Members are advised to note that the proposal should be judged against the *Development Plan*, as a whole, rather than against individual policies in isolation. Members are also advised to bear in mind the relative weight to be attached to the applicable policies in the various elements of the *Development Plan* relevant to this proposal against that which is laid down within national planning policy (Section 6.0 again refers).
- 7.4 The analysis that follows, therefore, assesses the proposed development against the extant planning policies contained within the *Development Plan*. Section 6.0 of this report has already referred to those policies that are considered most relevant to the determination of the planning application. This analysis will, therefore, establish the acceptability, or otherwise, of the proposal against those policies to determine whether, ‘*in principle*’, the development either is, or is not, acceptable by virtue of degree of compliance and/or conflict with policies contained within each of the relevant *Development Plan* documents. It should be noted that it does not follow that where a proposal either conflicts or complies with just one policy that a proposal must be deemed

either unacceptable or acceptable, but, instead, it is a question of the degree of conflict or compliance and the weight apportioned in that circumstance that gives rise to the final analysis.

- 7.5 Within the paragraphs that follow this *'in principle'* position, lies the analysis of the proposal in respect of the effects of the proposed development upon various interests of acknowledged importance and the establishment of whether there exist any *'other material considerations'* that would outweigh or override the earlier arrived at *'in principle'* position.
- 7.6 It is also important to be reminded at this juncture that the NPPF confirms that local plan policies, whilst they might be ones pre-dating the publication of the NPPF in 2012, they should not be considered out-of-date simply because of their age. This is particularly relevant with regard to the applicable and extant planning policy context within which this particular application must be considered. The NPPF states that “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”.

The 'in principle' acceptability, or otherwise, of the proposed development

- 7.7 Amongst the aims of the North Yorkshire Minerals Local Plan (NYMLP) are those ensuring the adequate, steady and reliable supply of minerals to market, preventing the unnecessary sterilisation of mineral resources and sustaining the contribution of mineral-related employment to the rural economy whilst simultaneously ensuring the sustainable use of resources in a way which protects the local environment, both natural and historic, as well as safeguarding the amenities of those living and working in local communities. The NPPF recognises minerals are a finite natural resource and can only be worked where they are found. It is, therefore, important to make the best use of them as a means to secure their long-term conservation (NPPF's Paragraph 142 refers). Inherent in the applicant's assessment of the likely significant effects of the proposed development is the question of whether the proposed development could take place anywhere other than the chosen location of the planning application. The applicant company's submitted Environmental Statement explains that an assessment of alternatives has been undertaken that questions the chosen location of the proposed development. It explains that the choice of the application site has been determined on the basis of an in-depth understanding of the geology of both the area as well as its potential for commercially workable reserves, the sustainability of the site compared to the opening up of a new *greenfield* site or re-opening of a dormant site, the consequential impacts upon the county's ability to secure compliance with its duty to maintain an adequate and steady supply of mineral to market, the availability of the land to be worked and ease of operational access. The proposed application site meets these considerations insofar as the site has known sand and gravel deposits and is available. A further consideration is the avoidance of sterilisation of the remaining reserves.
- 7.8 The aims of the NYMLP are consistent with the NPPF which sets out policy on the importance of minerals and mineral extraction as being “*essential to support sustainable economic growth and our quality of life*” and emphasises the importance of ensuring a sufficient supply of mineral materials is available to

the construction industry to provide the infrastructure and buildings that are needed by the country. 'Saved' NYMLP Policy 5/1 is, therefore, engaged in the determination of this application (Section 6.0 above refers). The NPPF states that *great weight* should be given to the benefits of minerals extraction (Paragraph 144 refers). It goes on to state in Paragraph 145 that it requires authorities to ensure a steady and adequate supply of aggregates which will contribute to the overall national need. In regard to the provision of sand and gravel, the NPPF states authorities should make provision for the maintenance of a landbank of at least 7 years within their areas.

- 7.9 At the time of submission when the original proposals were put forward by the applicant company, the 2009 Aggregates Monitoring Report (based on 2009 data) published by the Yorkshire and Humber Regional Aggregates Working Party (YHRAWP), identified that, as of the end of 2009, the permitted reserves of aggregate sand and gravel in the county were 18.41 million tonnes, equivalent to an overall landbank supply of 7.4 years. The most recent published aggregates data for 2015 is contained within the County Council's Local Aggregates Assessment (LAA) (Second Review, September 2016) and this shows a reserve figure of 19.5 million tonnes of sand and gravel within the county providing a *landbank* of 8 years.
- 7.10 When this is further sub-divided into the '*southern distribution area*' (within which the proposed site falls), the reserves of 6.2 million tonnes provide for a *landbank* equivalent to 10.2 years. Notwithstanding, there is an acknowledgement within the LAA that the Yorkshire and the Humber sub-region's future supply of sand and gravel will be dependent upon the availability of supply from this county for reasons of its geology. Were new consents not to be forthcoming, the existing reserves in the county would likely become exhausted within the medium term resulting in a heightened importance of the county as a supplier, especially for concreting sand and gravel. To focus attention, one of the key messages of the LAA highlights an "*indicative shortfall of around 17.1 million tonnes for 2016 to 31st December 2030*"; although acknowledging that this is wholly dependent upon the number of applications receiving planning permission to extract. There is, therefore, a general acceptance that further provision will need to be allowed for.
- 7.11 This is compounded by the fact that there no longer remain any '*Preferred Areas*' for sand and gravel working arising from the adopted NYMLP; all having been subject to consent and either having contributed, or continuing to contribute, toward the current *landbank*. There are, therefore, no remaining available '*Preferred Areas*' in the NYMLP. It consequently follows that, in order to sustain the county's *landbank* prior to the adoption of the new Minerals and Waste Joint Plan, new consents would be needed in respect of sites not currently allocated in the extant *Development Plan*. This would align, and be consistent, with national policy expressed within Paragraph 145 of the NPPF.
- 7.12 The applicant company's estimated mineral reserve for the current proposal at 3.02 million tonnes would undoubtedly contribute to the county's ability to maintain an adequate and steady supply of mineral to market and the information supporting the application points to the mineral having been appropriately assessed through the appraisal of existing British Geological Survey information, exploratory drilling and data collated from its boreholes

within this and immediately adjacent land. The assessment estimated the geology local to the application site to comprise a mean depth of 0.93 metres of overburden, 3.10 metres of 'upper sand and gravel', 2.28 metres of an intervening till layer and 8.27 metres of 'lower sand and gravel' (where the majority of the mineral exists). This, it is considered, provides for a comprehensive understanding of the likely available mineral resource. Information which is considered to be both adequate and satisfactory for the purpose of the assessment of the application against relevant *Development Plan* policy (i.e. criterion (a) of 'saved' NYMLP Policy 4/1) and thereby, amongst others, determinant of the proposal's acceptability 'in principle', has been provided within its ['Geological Information'](#) plan.

- 7.13 The applicant company at the time of the original submission had anticipated that a period of time would see the depletion of the existing permitted area of extraction and would not necessitate the 'opening up' of the extension area meaning that there would be no concurrent working. However, the applicant company has explained that the existing area of extraction is almost to the point of exhaustion with the prospect of temporary closure pending the determination of this current application. It is understood that the proposed extension would need to be 'entered into' with due haste so as to enable uninterrupted supply to customers in the market. It is acknowledged and accepted that given the nature and specific requirements of the minerals industry, there is a need for security of supply and this would be offered by the development currently proposed.
- 7.14 Reasoned argument has been put forward which points to the proposals having the ability to sustain a continuity of an adequate and reliable supply of sand and gravel to the local construction market (thereby rendering it compliant with 'saved' NYMLP Policy 5/1) without the need for increased pressure being placed upon other existing sand and gravel sites in the county.
- 7.15 The NYMLP 'saved' policies set out an approach to the consideration of applications for new aggregate mineral working. 'Saved' policies 3/2, 3/3 and 3/4 of the NYMLP provide the current *Development Plan* 'framework' for the consideration of planning applications for new mineral sites and extensions to existing quarries. The NYMLP identifies 'Preferred Areas' and 'Areas of Search'. 'Saved' NYMLP Policy 3/2 directs that 'in order to maintain landbanks of permitted reserves, proposals for aggregates mineral working in Preferred Areas will be regarded as acceptable in principle'. However, as earlier referred, there are no 'Preferred Area' allocations remaining in regard to those sites identified in the adopted NYMLP and the site currently under consideration is not designated as a 'Preferred Area'. For the purpose of considering the current application, this falls outside the requirement set out in 'saved' NYMLP Policy 3/2 for the reason given. This is similarly the case with 'saved' NYMLP Policy 3/3 (referring to 'areas of search'); a policy against which the current proposal cannot be assessed by dint of its location outside such areas. It is considered that the requirements of 'saved' NYMLP Policy 3/2 and 'saved' NYMLP Policy 3/3 are, however, broadly consistent with Paragraphs 144 and 145 of the NPPF that respectively both "give great weight to the benefits of the mineral extraction, including the economy" and provide "for a steady and adequate supply of industrial minerals by making provision for the maintenance of landbanks for at least 7 years for sand and gravel".

- 7.16 Whilst falling outwith both *'preferred areas'* and *'areas of search'*, the proposal, nevertheless, is not considered to conflict with the primary purposes of either *'saved'* NYMLP Policy 3/2 or *'saved'* NYMLP Policy 3/3. A decision in favour of granting planning permission in this particular circumstance is considered to be consistent with Paragraph 145 of the NPPF in seeking to maintain a *landbank* of permitted sand and gravel reserves of at least 7 years. While it is acknowledged that the *landbank* is currently in excess of the 7 year minimum requirement, it is noted that all of the *'Preferred Areas'* allocated for sand and gravel working in the existing NYMLP have now been granted planning permission. Although the on-going production of sand and gravel from these existing permissions is presently contributing towards the current *landbank* figure, in the absence of any remaining available *'Preferred Areas'*, it will be necessary to consider those applications that come forward, including appropriate extensions at existing sand and gravel sites, to avoid a possible shortfall in the sand and gravel *landbank* level in the future. The application site is, therefore, sequentially, considered appropriate and, consequently, the principle of this site is acceptable in order to help ensure continuity of supply. Whilst only limited weight may be given to the emerging Joint Plan, it is important to note that the Plan proposes the application site as a *'proposed allocation'* to meet sand and gravel requirements during the plan period. The proposal introduces *'new reserves'* which ought to be given due consideration. A refusal of planning permission could potentially lead to increased pressure at other sand and gravel sites within the *'southwards distribution area'* and would prejudice the county's ability to reach and subsequently maintain an adequate *landbank* in the near term. With regard to this consideration it is not possible to predict future production capacity levels at any of the other sites with confidence and, therefore, there can be no certainty any shortfall can be made up from these other sand and gravel quarries.
- 7.17 Furthermore, as the land the subject of this current proposal falls outwith any *'preferred area'* or even *'area of search'*, *'saved'* NYMLP Policy 3/4 which concerns itself with the circumstance of sites brought forward outwith both *'preferred areas'* and *'areas of search'*, is considered to be engaged in this particular instance. This current proposal constitutes an extension to an existing mineral working. *'Saved'* NYMLP Policy 3/4 provides an element of flexibility in the consideration of applications that come forward for extraction proposals outside of *'Preferred Areas'* and *'Areas of Search'*. The guidance set out in *'saved'* NYMLP Policy 3/4 states *'limited extraction around an existing quarry can be acceptable in principle to avoid either sterilising a resource or re-starting at a later date after mineral working in the existing quarry has ceased'*. The proposed extension when assessed against *'saved'* NYMLP Policy 3/4 can be considered to be consistent with the objective of this policy. The applicant company has confirmed the presence of some 3.02 million tonnes of commercially viable reserves that are currently available to exploit subject to the requisite consents from regulatory bodies. The working of this deposit would be consistent with the aim of *'saved'* NYMLP Policy 3/4 as it would avoid the possible sterilisation of mineral resources immediately adjacent to an existing operational quarry site. Its consistency with this policy can also be found in the avoidance, in the long-term, of re-starting working after a quarry site has been closed.

7.18 Giving further consideration to 'saved' NYMLP Policy 3/4, it states "permission...will normally only be granted for borrow pits and small-scale extensions to existing sites". Neither 'saved' Policy 3/4, nor the NPPF specifically define what constitutes 'small-scale'. In assessing the current application against 'saved' NYMLP Policy 3/4 as a small-scale extension to an existing site, the criteria that may be relevant to that consideration include the mineral reserve, working life, annual production and the geographical extent and scale in relation to the existing quarry site. In considering the current application against the above criteria, regard is to be had to the following information:

- the reserves within the existing working area are, it is understood from the applicant company, close to exhaustion. The County Planning Authority is informed that an estimated 3.02 million tonnes lay available for extraction from the 20 hectare area that it is proposed to be worked. As stated above, a refusal of planning permission would effectively sterilise this resource and potentially result the county's difficulty in continuing to maintain a *landbank* of at least seven years;
- the operational duration of mineral extraction has been calculated to be thirteen years based on prior annual rates of working at 220,000 tonnes, but market demand could see this shorten with increased confidence in, amongst other customer bases, the housing sector;
- the annual rates of production are not proposed to be higher than those experienced over more recent years, but, again, with improvements in economic outlook, the applicant company would expect to see annual production rates return to similar levels as those before the 'crash'; and,
- the area of mineral extraction within this current application proposes a take-up of 20 hectares; although the applicant company has included other areas for operational and restoration purposes. This compares with the area of land comprising the earlier consents amounting to some 90.5 hectares.

7.19 With respect to the determination of the current proposal's 'in principle' appropriateness in land use planning terms, due regard must also be had to the policy relating to both *siting* and *scale* of a proposed minerals-related development; the acceptability of which is sought by criterion (b) of 'saved' NYMLP Policy 4/1. In terms of *siting*, as earlier referred, the site of the proposed development has been the subject of geological investigation and appraisal which is considered to be both adequate and satisfactory for the purpose of determining the proposal's acceptability in respect of this specific consideration. In terms of *scale*, the proposal comprises an area amounting to approximately 40 hectares (encompassing all elements of the proposal, but with a reduced figure of 24.36 hectares for actual mineral extraction following submission of revised proposals), producing a quantity of saleable mineral of some 3.02 million tonnes (0.5 million tonnes less than originally proposed) over a period of 13 years if worked at an intensity of 220,000 tonnes per annum. It is acknowledged that proposal constitutes a continued existence of quarrying in this locality over a prolonged period and, with that, attendant persistence of effects. However, with appropriate mitigation measures in place amongst which are those assisting in visually screening the proposed development during its operational phase, the scale of the proposed development is considered acceptable and should be considered against its temporary nature as well as providing a means of assisting with the County Planning Authority's role in securing an adequate, steady and reliable supply of mineral to market.

- 7.20 An extension to the existing workings at Ripon Quarry would contribute to sustained resources for growth and secure productive capacity, ensuring continuity of supply from the county and assist in maintaining a sufficient *landbank* of sand and gravel. Such an extension, negating the need to build additional plant capacity and associated infrastructure, would constitute an efficient use of mineral resources permitting the recovery of a known sand and gravel deposit. A further benefit considered to arise would be the safeguarding against the permanent closure of the site and sterilisation of mineral reserves known to exist within the area of the proposed extension.
- 7.21 In summary, significant material considerations are, therefore, the absence of up-to-date allocations, the benefits of safeguarding against mineral sterilisation and the need to help support the *landbank* level which, collectively, lend policy support to the '*in principle*' acceptability of the proposed development and do not render the proposed development in significant material conflict with spatial distribution-related/locational policies of the NYMLP; nor is it rendered in significant material conflict with the general aims of NPPF's Paragraph 17 (encouraging economic development, amongst others, through the delivery of infrastructure and sustaining jobs and contributing to economic wealth) and the overarching presumption in favour of sustainable development within the NPPF as well as the more relevant policies of the NPPF i.e. paragraphs 142, 144 and 145; nor is there considered to be any significant conflict to any material degree with the aims of sustainable development within Hambleton Core Strategy Policy CP1, with criterion (a) and criterion (b) of NYMLP '*saved*' Policy 4/1, or with '*saved*' Policies 3/2, 3/3, 3/4 or 5/1 of the NYMLP. It is therefore considered that, subject to the identified reserves being capable of being extracted without unacceptable harm to interests of acknowledged importance, the principle of granting planning permission for this development, is considered to be acceptable, for the reasons thus far explained.
- 7.22 Notwithstanding the '*in principle*' acceptability of the proposed development, the County Planning Authority has a duty to consider the issue of whether there exist any other planning considerations that are materially significant so as to find the development, as proposed in this particular instance, unacceptable in land-use planning terms and, thereby, indicating a view contrary to the above '*in principle*' acceptability of the proposed development.

The assessment of the proposal against other material considerations

- 7.23 The paragraphs that follow address those considerations that are regarded as the principal effects of the proposed development and align with the assessed likely effects within the scope of the environmental impact assessment (EIA) undertaken to support the application; although the order in which they appear below is, by no means, an indication of their importance relative to one another. They comprise effects upon acknowledged interests; social, economic and environmental including:
- [landscape and visual impacts](#);
 - [ecological impacts](#);
 - [impacts upon soil resources and agriculture](#);
 - [hydrological and hydrogeological impacts \(including flood risk\)](#);
 - [impacts upon cultural heritage and archaeological impacts](#);

- [residential amenity impacts \(including noise and dust\)](#); and,
- [traffic and highway impacts](#).

Landscape and visual impacts

- 7.24 *Landscape impacts* are distinguishable from visual impacts in that they relate to changes in the fabric, character and quality of the landscape; whereas, *visual impacts* relate to specific changes in views and the attendant impacts therefrom upon others such as those living in the vicinity of the site or those enjoying the outdoors along public footpaths for instance.
- 7.25 The assessment of the significance of the effects of a proposed development in respect of landscape impacts can include considerations of whether those impacts are assessed as positive, negative or neutral, the sensitivity of the landscape into which the proposed development is being introduced, the likelihood of the impact occurring (the probability/frequency), the level of impact (i.e. its magnitude), the scale of such impact (i.e. local, regional, national etc.), the length of time (i.e. temporary or permanent), the reversibility of those impacts, their timing and how often the impacts occur and, lastly, their cumulative impacts. Both a [Landscape & Visual Impact Assessment \(LVIA\)](#) and [Historic Landscape Assessment](#) as well as an [‘Arboricultural Survey’](#) have accompanied the application as supporting documents. During the course of the processing of the application, the LVIA has been the subject of an [addendum report](#).
- Landscape impacts
- 7.26 With respect to landscape impacts, the assessment has taken into account the potential landscape impacts in respect of the landscape character of the site *‘per se’*. Key landscape opportunities and constraints to landscape enhancement have been defined and have been acknowledged as limited due to the relatively remote rural location, low visibility and presence of mature vegetation along perimeter boundaries. The applicant company’s submitted LVIA has explained that the proposed area of extension to Ripon Quarry possesses, for the most part, a perimeter of mature vegetation that, along with the undulating landform within which it sits, renders views both *‘in to’* and *‘out of’* the area obscured to varying degrees.
- 7.27 In acknowledging the landscape to be of *‘good’* landscape quality (as opposed to *‘exceptional’*, *‘highly attractive’*, *‘ordinary’* or *‘poor’*) within which the development is proposed; thereby having a *‘medium’* sensitivity and, taking into account the enclosed situation of the extension afforded by mature perimeter vegetation and the temporary nature of the proposed development as well as the site’s potential contribution to the restoration of the former historic landscape of the 1600s, the LVIA has deemed the overall impact during mineral working operations to be *‘moderate adverse’*, but this then changes to *‘slight beneficial’* upon the final restoration of the extension area. Landscape sensitivity has been defined by the applicant company’s expert as *“the degree to which the landscape can accommodate change without unacceptable detrimental effect on character”*.
- 7.28 The applicant company’s appointed expert has acknowledged the existence of permanent landscape impacts that would alter the landscape character of the

area by the very nature of the extraction activities exploiting the sand and gravel from the land likely to ensue from the “*stripping of soils, overburden and mineral from the extraction area, the loss of 29 hectares of Grades 1,2, 3a & 3b agricultural land, the loss of four groups of mature/semi mature trees and continuation of mineral extraction in the local area*”; changing the landscape from one of being predominantly agricultural in nature to one of a mosaic of agriculture and wetlands. However, these must be weighed in ‘*the planning balance*’ against other material planning considerations.

7.29 Any cumulative impacts are thought not to occur adversely to any materially significant degree by dint of the imminent exhaustion of the permitted reserves within the existing consented area and therefore concurrent operational mineral working is not anticipated in this particular instance. Furthermore, the applicant company has proposed that the site would continue to be worked in a progressive manner so as to minimise overall disturbance and allow for restoration and habitat creation at the earliest opportunity.

- Visual impacts

7.30 With respect to potential visual effects of the proposed development upon the views currently enjoyed by residents living in proximity to the application site, the applicant company’s LVIA has explained that “*views out from the site at ground level are constrained by surrounding vegetation and landform*” and “*due to the localised topography and mature woodland blocks views are restricted to the site area and the immediate surrounding environs*”. The LVIA has acknowledged the Norton Conyers Grade II* early medieval house and ‘Listed’ Registered Park and Garden to possess ‘*very high visual sensitivity*’ and the properties of *North Parks Farm* (which has elevated views from its northern elevation into the extraction area and towards the soils storage area), *Norton Mills, Badger Bank, Keepers Cottage, Plaster Pitts Farm, Middle Parks Farm, North Stanley Hall, Manor Farm* (together with properties on the edge of the village) and *Bellflask House* to have ‘*high sensitivity*’. Of ‘*medium sensitivity*’ are the bridleway of *Ripon Rowel Walk* and the car park of the *High Batts Nature Reserve*. With the exception of *Norton Conyers house and Registered Park and Garden* and *Badger Bank* having been assessed as likely to experience ‘*slight adverse*’ visual impacts during the proposed mineral operations and *North Parks Farm* as well as *Ripon Rowel Walk/High Batts Nature Reserve car park* having been assessed as likely to experience ‘*large adverse*’ visual impacts, the majority of those sensitive to visual impacts have been assessed as being of ‘*neutral*’ impact during the proposed mineral operations. However, as with the landscape impacts outlined above, this then changes to ‘*slight beneficial*’ upon the final restoration of the extension area. Many of the impacts associated with the proposed development are those that are either *temporary, reversible* or both.

7.31 With respect to the mitigation of the effects of the proposed development, they should, in the first instance, seek to avoid any significant impacts, but where this is not possible, should aim to reduce the magnitude and significance of any negative impacts. Where avoidance or reduction are not possible, compensation measures should be considered where any losses occur. Therefore, by way of mitigation, so as to minimise, as far as practically possible,

any potential adverse landscape and visual impacts arising from the proposed development, the applicant company's proposals include:

- the planting of a 10 metre wide woodland belt to the northwest of *North Parks Farm*;
- the establishment of a screening mound along the south western boundary to the soils storage area to the north west of *North Parks Farm*;
- gap planting with wet woodland species alongside the banks of the River Ure;
- hydro-seeding of the soil storage mounds that would aid landscape integration;
- the planting of new native hedgerows to both sides of the bridleway as it passes through the site; and,
- twenty-one (21) years of extended management so as to ensure the successful development of the restored site.

It is noted, however, that the intention of implementing '*advance tree planting*' as described within the applicant company's submitted Environmental Statement in 2011 has, to date, not taken place and, therefore, any advantage or benefit in terms of landscape and visual impact mitigation would take some time to come to fruition were planning permission to be forthcoming.

- 7.32 During the course of the processing of this application, there has been submitted an [Addendum to the Landscape & Visual Impact Assessment](#) prepared on behalf of the applicant company by Golder Associates (January 2013) to address the comments of consultees received in respect of the original submission. This further environmental information has been consulted upon and duly advertised.
- 7.33 The relevant extant *Development Plan* policies against which to assess the proposed development's effects associated with potential significant adverse landscape and visual impacts have been outlined in Section 6.0 of this report. They include 'saved' NYMLP Policy 4/1, in particular, criterion (b) requiring the siting and scale of the proposed development to be acceptable, criterion (c) (seeking appropriate working method and programme to minimise a proposal's impacts), criterion (d) which seeks to ensure that the landscaping and screening of proposed development have been designed so as to effectively mitigate the effects of a proposed development, criterion (e) which directs that applications must be assessed for their environmental and amenity safeguards to effectively mitigate against the impacts of a proposed development, criterion (f) which seeks acceptable restoration proposals of a '*high standard*', criterion (g) which seeks a similarly '*high standard*' in respect of after-care and management and criterion (i) which seeks to ensure that the cumulative impacts of development proposals are taken into account and assessed as being acceptable. In addition to these seven 'saved' NYMLP Policy 4/1 criteria relevant to landscape and visual impact considerations, 'saved' NYMLP Policy 4/14 (safeguarding against unacceptable impacts upon the environment and local amenity), 'saved' NYMLP Policy 4/16 (seeking to ensure that minerals processing plants are sited and designed so as to ensure that any impacts that may arise in respect of those upon the environment or the amenity of the local community are kept to a minimum), 'saved' NYMLP Policy 4/18 (seeking the achievement of the best practicable standard of restoration whilst safeguarding against the loss of BMV quality land) and 'saved' NYMLP Policy 4/20 (seeking to bring the restored land up to an approved standard for the specified after-use) are also relevant.
- 7.34 In that the proposed development is located within the administrative area of the Borough of Harrogate, due regard must also be had to the policies that make

up part of the *development plan* within their ‘saved’ local plan policies and adopted Core Strategy. In respect of landscape, ‘saved’ Policy C2 seeks development that protects existing landscape character, ‘saved’ Policy HD7A states that development “*will not be permitted where it would adversely affect the character or setting of parks and gardens*” and ‘saved’ Policy HD20 seeks development designed with suitable landscaping as an integral part of any scheme as well as Core Strategy Policy SG4 (which seeks the protection and enhancement of visual amenity) and Policy EQ2 which recognises areas of national importance for the protection and enhancement of, amongst others, the District’s landscape are all considered relevant.

- 7.35 Furthermore, insofar as the proposed development could potentially affect land within the administrative area of Hambleton, the extant *Development Plan* policies within the District Council’s Core Strategy are also considered relevant; namely criterion (ix) of Policy CP1 (seeking to protect and enhance the character and quality of local landscapes and the wider countryside), CP16 (seeking to support the protection and enhancement of natural assets as well as biodiversity), CP17 (seeking to enhance and respect local landscape context) and CP18 which advocates the prudent use of natural resources. Its development policies DP2 (seeking contributions for landscaping etc.), both DP28 & DP29 (through the protection and preservation of historic landscapes), DP30 (seeking to safeguard and enhance local landscapes), DP32 (seeking landscape enhancement through high quality design) and DP33 (seeking local landscape protection and enhancement through new features reflecting the local landscape).
- 7.36 Those making representation in respect of the proposed development, point to the perceived delay in restoration, in their view, prolonging the adverse effects of the development experienced by local residents and the seeking of agricultural restoration rather than to one of part agricultural restoration and part wetland/nature conservation.
- 7.37 The principal concerns with regard to the possible adverse impacts of the proposed development in terms of its effects upon both the landscape and visual amenity and, therefore, the key impacts which need to be addressed are impacts upon the local landscape from the proposed mineral working and any visual impacts which might arise from specific changes in view as a result of the method of extraction *per se* and/or the visual barriers formed by the screening bunds adversely affecting those living in the vicinity of the site or those enjoying the outdoors along public footpaths for instance, as well as the extent, duration, reversibility, timing and frequency of the effects of the proposed development.
- 7.38 In processing this application, the views of experts within those bodies/ organisations with whom the County Planning Authority has a statutory duty to consult (as well as and/or including those Officers of the County Council, the District and Borough Council and Natural England) and those with whom a discretionary consultation has been conducted, have scrutinised the information submitted by the applicant company and have returned their views made within the bounds of their respective jurisdictions (Section 4.0 of this report refers).
- 7.39 While acknowledging the expressed concerns within representations, the relevant experts have returned their views, noting that the proposed

development in question does not affect any protected local or nationally designated landscape; that an adequate landscape context for the proposed extension has been provided; that no significant cumulative impacts with other sites remain to be addressed; that the impacts upon the setting of Norton Conyers listed building and registered landscape were likely to be local and short-term during the operational period; that the restoration proposals were “*acceptable in principle*”; and that there were “*no major concerns*” nor would wide visual impact arise. They have returned their independent and impartial opinions insofar as their individual areas of expertise, have accepted the findings of the applicant’s experts and are satisfied that the mitigation of the effects of the development with regard to safeguarding the local landscape and protection against adverse visual impacts are both appropriate and proportionate. No objection has been received from those experts with whom the County Planning Authority has consulted during the course of processing this application.

- 7.40 Thus, taking the expert views of these consultees into account, while acknowledging the existence of some localised landscape and visual effects, these impacts are capable of being mitigated, are limited in their scale and duration and are reversible. On balance, the information as submitted by the applicant is considered to be both adequate and sufficient upon which to determine the planning application whilst having regard to the statutory obligations placed upon the County Planning Authority.
- 7.41 In terms of landscape impacts, it is acknowledged that the increased water body area arising from the extension proposal would alter the current balance between ‘*dry*’ land and open water; thereby altering current land use patterns and changing the landscape character of the area. However, the extent of open water is capable of being visually ‘*contained*’ within the landscape context in which it is situated. Furthermore, the assessment undertaken, resulting in a heightened understanding of the historic landscape has meant the opportunity of restoring, albeit to a limited degree, elements of the historic landscape particularly in respect of Norton Conyers.
- 7.42 There are no findings, having publicised, consulted upon and assessed the application upon which to counter the conclusions of the LVIA that has concluded that increasingly over time the visual impacts would be ameliorated and it is likely that the landscape would evolve as the areas of mature and previously established woodland on the already restored areas merge with the developing restored woodland.
- 7.43 While no objections have been returned, it does not necessarily follow that they come without conditions. Where a consultee is of the opinion that controls are necessary, they have offered up suggested wording. Planning conditions are a means of making a proposed development and its effects acceptable in land-use planning terms and can only be imposed should they fulfil the six ‘*tests*’ of conditions which are that a condition must be necessary, enforceable, precise, relevant to both the development and to planning and reasonable in all other respects (Paragraph 206 of the NPPF refers). With regard to necessity, the NPPG (supporting NPPF’s Paragraph 206) makes clear that a condition “*must not be imposed unless there is a definite planning reason for it*” and “*if a condition is wider in scope than is necessary to achieve the desired objective it*

will fail the test of necessity". With respect to a condition's relevance to planning, it states a condition "*must not be used to control matters that are subject to specific control elsewhere*". In order to be relevant to the development, it must "*be justified by the nature or impact of the development*" and "*cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development*". In terms of enforceability, precision and reasonableness, conditions must cover those matters for which contraventions are detectable, remedies are possible and/or the applicant has within its control; conditions must clearly state what is required and when; and must not place unjustifiable and disproportionate burdens on an applicant or be used to make development that is unacceptable in planning terms acceptable if it's unreasonable to do so.

7.44 The landscape and visual effects arising from the proposed development are considered to be capable of being adequately mitigated by the measures proposed by the applicant company and are considered capable of being acceptable in land-use planning terms should appropriate levels of control through the imposition of planning conditions be deemed sufficient. Suitably worded planning conditions are capable of being attached to a permission and, as earlier referred, the delivery vehicle of a S106 Legal Agreement is capable of providing the mechanism to address the concerns that have been raised. Appropriate draft planning conditions have been recommended (Section 4.0 refers) and have been available to view within the respective consultee responses on the County Council's Online Planning Register. Such conditions included those to address:

- the restoration of the entire site when the site is worked out;
- advance landscaping works (including screen planting) in the first available planting season;
- phased and progressive restoration;
- annual review of landscape mitigation and restoration works and after-care;
- an after-care scheme to be submitted within six months of each completed phase; and,
- an interim restoration scheme in the event of cessation in excess of a year.

7.45 Having described and summarised within Section 3.0 of this report the detailed submissions which demonstrate how the proposed development and the activities and operations associated with each phase of the development would be undertaken and, having also outlined the method and programme of working and the mitigation and the safeguards that are proposed to be put in place, as well as the separation distance of the proposed development from those living nearby in respect of both landscape and visual impacts, the proposals for the enhancement of the screening planting around the perimeter of the application site, together with the absence of unacceptable and/or adverse cumulative effects thereon of material significance in light of their effects in terms of magnitude, extent, duration, reversibility, timing and frequency, criterion (b), (c), (d), (e), (f), (g) and (i) of 'saved' NYMLP Policy 4/1, 'saved' policies of the NYMLP 4/14, 4/16 and 4/20 together with Harrogate's 'saved' Local Plan policies C2, HD7A, and HD20 and Policy SG4 & EQ2 of Harrogate's Core Strategy as well as the Hambleton District Council's Core Strategy's CP1 (particularly criterion (ix)), CP16, CP17 & CP18 policies and its associated development policies DP2, DP28, DP29, DP30, DP32 and DP33 (only insofar as the area of land within the district affected by the development) have been satisfied in this particular instance.

Ecology (Biodiversity, habitats, nature conservation and protected species)

- 7.46 The assessment of the effects of the proposed development in respect of the natural environment (its conservation and its enhancement), and, more specifically, protected species and designated habitats, is included within the Environmental Statement (Section 5 refers) which accompanies the planning application. A number of surveys of protected species have been undertaken and have been used to inform the assessment of the likely significant effects of the proposed development; these include surveys of badger, bats, great crested newt, reptiles and breeding birds. The assessment has acknowledged the importance of each protected species and habitat (for example its rarity, diversity, fragility etc.) and their sensitivity and that assessment has used, as part of its basis, the parameters of impact of magnitude as well as extent, duration, reversibility, timing and frequency of the effects of the proposed development.
- 7.47 With respect to the application site itself, the assessment has acknowledged its low nature conservation value in that it is, for the most part, set to arable land; although the perimeter of the proposed site, adjoining fields, hedgerows and woodlands and the adjacent *Ripon Parks SSSI* and *High Batts Nature Reserve*, have been recognised as undoubtedly both of ecological value and of value in providing habitat for numerous species. The *Ripon Parks SSSI* comprises a range of habitats associated with the River Ure and adjoining land. These include running water, riverbanks, scrub woodland, marsh and ponds, permanent pasture and calcareous grassland. The area is notified on the basis of its flora and amphibian and invertebrate fauna. The area of the SSSI known as the *High Batts* is a private nature reserve managed by the *High Batts Nature Reserve Committee*. In recognition of the national significance of ecological designation of the *Ripon Parks SSSI*, a further assessment, '[Assessment of effects upon the Ripon Parks SSSI](#)', has covered the potential for effects thereon.
- 7.48 The conclusions drawn by the applicant company's appointed experts found no direct adverse impact in respect of any designated or non-designated site of importance for nature conservation for the duration of mineral working, but deemed there to be the potential for positive "*significant beneficial*" impacts arising upon restoration, after-care and longer-term site management through that secured via the proposed legal agreement. Notwithstanding, the assessment has recognised that the loss of arable land would result in '*significant adverse*' impact upon certain bird species; however, this is thought to exist only at the scale of the site itself and while it has found potential indirect impacts upon nature conservation interests may potentially occur through the generation of noise and dust and through changes in both ground and surface waters, this has not been deemed to result in any significant adverse effect upon either habitats or species present within the vicinity of the proposed development and once mitigated.
- 7.49 Further environmental information in addition to that which was originally submitted to the County Planning Authority has been received during the course of the processing of this application which together with other further environmental information has been duly advertised and consulted upon. In relation to interests of ecology, has been the submission of a '[Geomorphological Assessment](#)' (a fluvial audit) in December 2016. This investigated the issue of

river erosion and determined that any consequences of the proposed development were not considered to give rise to significant adverse impact in this particular respect. With respect to the further document, ['Assessment of effects upon the Ripon Parks SSSI'](#) which has been submitted to support the application, has upon review of the original submission documents, has found no conclusion contrary to that of the original report.

7.50 The measures that have been put forward by the applicant company by way of mitigation against any possible impacts in respect of interests of ecological importance include the monitoring of water levels, the implementation of a *Bird Management Plan*, the 'setting back' of the haul road from the SSSI by 5 metres and a separation distance of 500 metres from protected species within the SSSI such as river lamprey, a 'stand-off/buffer' of 80 metres from a more sensitive stretch of river and a 20-metre 'stand-off/buffer' from the remaining stretch as well as dust suppression and noise attenuation measures. Such mitigation measures are proposed to be augmented by the implementation of a [Habitat Management Plan' \(currently in draft form\)](#) for a period of 21 years to be secured by the mechanism of a legal agreement under the provisions of S106 of the Town & Country Planning Act 1990 (as amended) whose aims include:

- 10 hectares of eutrophic/mesotrophic standing open water;
- 4 hectares of associated fen, marsh and swamp habitat with shallow reed fringed margins;
- 1 hectare of reed bed created adjacent to the *High Batts Nature Reserve*;
- 7.5 hectares of wet woodland and ditches to restore part of the site to the original 1697 Norton Conyers estate plan and a further 3.5 hectares of wet woodland along the eastern boundary of the site and within an 80 metre 'buffer' to the north;
- 5 hectares of mosaic habitat of smaller areas of wet and dry woodland, bare ground, shingle islands, gravel areas, grassland, scrub, swamp, permanent and seasonal small ponds; and,
- 1,150 metres of hedgerows to improve landscape character and create habitat as well as a permissive footpath from the *Ripon Rowel Walk*, a bird hide, viewing point and an interpretation board.

7.51 As earlier referred, due regard must be had to the relevant extant policies of the *Development Plan* against which to assess the proposed development in respect of its impacts upon interests of ecological importance and the value of habitats. These include the 'saved' NYMLP Policies 4/1 (criteria (c) (seeking appropriate working method and programme to minimise a proposal's impacts), (d) (seeking effective mitigation through the design of landscaping and screening), (e) (seeking effective mitigation through environmental and amenity safeguards), (f) and (g) (seeking acceptable restoration and 'after-care' proposals of a 'high standard') and (i) (safeguarding against cumulative impacts), 4/6A (seeking the protection of sites with a nature conservation interest), 4/14 (safeguarding against unacceptable impacts upon the environment and local amenity), 4/16 (seeking the siting, design and maintenance of ancillary development so as to minimise the impact on the environment and local amenity), 4/18 (seeking the achievement of the best practicable standard of restoration whilst safeguarding against the loss of BMV quality land) and 4/20 (seeking to bring the restored land up to an approved standard for the specified after-use), the policies of the Hambleton District Core Strategy CP1 (particularly criteria (v) and (ix) (seeking to protect and enhance biodiversity as well as the character and quality of local landscapes and the wider countryside), CP16 (seeking to support the protection and enhancement

of natural assets as well as biodiversity), and CP18 (advocating the prudent use of natural resources) together with the HDC development policies of DP2 (advocating the use of obligations to secure, amongst other things, enhanced landscaping) and DP31 & DP32 (encouraging, amongst other things, habitat protection and enhancement) (insofar as the proposed development could potentially affect land within the relevant administrative area covered by these policy documents) and those 'saved' policies within the Harrogate District Local Plan, NC3 and NC4, only insofar as the limited weight that may be applied to such policies (as referred within Section 6.0 above) together with its Core Strategy Policy, EQ2, which recognises areas of national importance for the protection and enhancement of, amongst others, the District's biodiversity.

- 7.52 While no representations received in response to public consultation on this application have not made out any specific arguments in respect of the proposed development effects upon interests of nature conservation value, those with whom the County Planning Authority has sought expert views have, during the course of the processing of this application, raised specific concerns that have given rise to the submission of supplementary and additional environmental information upon which to support the application (Sections 3.0 and 4.0 of this report both refer).
- 7.53 Those with whom the County Planning Authority have consulted have included the County Council's own in-house adviser on matters of ecology, the Environment Agency and Natural England. Discretionary consultations have also been undertaken with the Yorkshire Wildlife Trust and with the Committee of the High Batts Nature Reserve. Clarification upon matters of the hydrological and hydrogeological environment and the effects that the proposed de-watering may or may not have upon the '*ecological equilibrium*' of the adjacent *Ripon Parks SSSI* and *High Batts Nature Reserve* as well as an assessment of the existing fluvial regime (as outlined in Section 3.0 of this report) have been sought and further information subsequently provided by the applicant company to the satisfaction of those seeking that information.
- 7.54 The issue of the potential effects of de-watering of the site to enable dry-working of the mineral was also a matter investigated at the time of the previous application for working to the north of the river. Again, as was similarly the case in the previous application the consensus of expert opinion has been that while acknowledging that the process of de-watering the site would cause a depression in groundwater levels during pumping; once pumping ceases, the groundwater levels would be expected to return to their pre de-watering levels. The general consensus of expert opinion, again, similarly as with the case with the previous application, has been that any temporary reduction in groundwater levels would be unlikely to give rise to any significant adverse effect upon nearby interests of nature conservation value. Material to the determination of this application is that the applicant company has supported its application by stating that the monitoring of water levels during the course of mineral working that has taken place has not given rise to concern that would render this proposal unacceptable in its consequent effects upon both the natural environment.
- 7.55 The supplementary and additional environmental information has been duly publicised and consulted upon by the County Planning Authority and the relevant responses outlined within Section 4.0 above; the consequences of

which have resulted in the concerns that had been previously raised having, for the most part, been satisfied and subsequent responses to consultation have resulted in no objections to the proposed development subject to recommended conditions being imposed were planning permission to be forthcoming. Those recommended conditions have been outlined within Section 4.0 of this report.

- 7.56 The assessment of the impacts of the proposed development, once mitigated, upon interests of nature conservation value has found the absence of any likelihood to any significant adverse material degree during the operational phase of the development. This, however, changes to a '*beneficial*' impact arising from the restoration of part of the site to a nature conservation after-use enhancing opportunities for biodiversity.
- 7.57 Taking the expert views of consultees into account, while acknowledging the existence of some localised impacts upon interests of ecology and nature conservation, these impacts are capable of being mitigated, are limited in their scale and duration and in some instances reversible. On balance, taking into consideration the responses to consultation from experts within the national and local agencies, the information as submitted by the applicant is considered to be both adequate and sufficient upon which to determine the planning application whilst having regard to the statutory obligations placed upon the County Planning Authority with respect to ecology and nature conservation.
- 7.58 No findings, having publicised, consulted upon and assessed the application, are considered to exist that would serve to counter the conclusions of the assessment undertaken and increasingly over time the impacts upon both ecology and nature conservation would be ameliorated and it is likely that nature would evolve and species adapt as the new biodiversity enhancement measures become established and more mature in the future merging with the previously established areas set aside for nature conservation purposes.
- 7.59 Provided the mitigation measures that have been put forward by the applicant company are implemented and maintained during the course of the development, the impacts of the proposed development that could be regarded as significantly material are considered unlikely to arise in this particular instance. Those effects likely to arise are considered to be capable of being controlled by the use of appropriately worded planning conditions were planning permission to be forthcoming. It is, however, considered important that the details of the restoration and management of the site should be secured through a S106 Legal Agreement. Having described and summarised within Section 3.0 of this report the detailed submissions that have served to demonstrate how the proposed development and its associated activities and operations would be undertaken and having outlined that mitigation and safeguards proposed to be put in place, as well as the separation distances from interests of nature conservation value, the proposed development is not considered to conflict with the relevant policies to which reference has been made above i.e. '*saved*' NYMLP Policies 4/1 (criteria (c), (d), (e), (f), (g) and (i)), 4/6A, 4/14, 4/16, 4/18 and 4/20, the policies of the Hambleton District Core Strategy CP1 (particularly criteria (v) and (ix)), CP16, CP17 and CP18 together with the HDC development policies of DP2 and DP31 & DP32 and Harrogate's Core Strategy Policy EQ2 as well as those '*saved*' policies within the its Local Plan, NC3 and NC4, only insofar as the limited weight that may be applied to such policies.

- 7.60 The proposed development, appropriately mitigated, weighed in the '*planning balance*', acknowledging the degree of consistency of the extant policies of the *development plan* with the NPPF, there is nothing arising which would give rise to any cogent planning reason to sustain a recommendation of refusal of planning permission on the grounds of significant material adverse impacts upon ecology and/or nature conservation in this instance.

Soils and agricultural land use

- 7.61 The assessment of the effects of the proposed development upon agriculture and, more specifically, the soil resources of the site, is included within the Environmental Statement (Section 6 refers) which accompanies the planning application. A soil survey has been undertaken and has been used to inform the assessment of the likely significant effects of the proposed development. The survey has determined that the proposed development would likely affect a relatively small proportion of the soil resource quality (approximately 1.2 hectares) classified as Grade 1 ('*excellent quality*'), soils of Grade 2 quality ('*very good*') covering some 9.6 hectares would be affected and approximately 7.7 hectares of Grade 3a ('*good*'). As a whole, this would result in 18.5 hectares of land (approximating to 60% of the land of the proposed extension and soil storage areas) classified as '*best and most versatile*' (BMV) land being affected by the proposed development. The remaining land, 12.4 hectares, has been classified as '*moderate*' quality (Grade 3b).
- 7.62 The issues for consideration in the '*planning balance*' created by the proposed development are two-fold; the first being by how far the BMV soil resources are capable of being reinstated to sustain their BMV land classification after restoration and, the second being whether the need for the proposed development is sufficient to outweigh the residual permanent loss of BMV quality land. The assessment has acknowledged that while all topsoil and available subsoil from BMV land would be recovered, the opportunity only exists to recreate approximately 7.5 hectares of land with BMV potential (the proposed '*wet woodland*'); resulting in a permanent loss of 10 hectares of BMV land to the proposed development. However, the proposals do provide for the re-establishment of the agricultural land quality beneath the proposed areas of soils storage required to undertake the development.
- 7.63 It is important to be mindful that mitigation proposals should seek, in the first instance, to avoid any significant impacts; however, where this is not possible, mitigation should aim to reduce the magnitude and significance of any negative impacts. Where avoidance or reduction are not wholly possible, as in this instance, compensation measures should be considered where any losses occur and therefore other measures in mitigation include, *inter alia*, the adoption of '*best practice*' methods in soil stripping and soil storage as well as their grass-seeding to secure the soils in their temporary storage location such that they may be retain their characteristics and structure prior to replacement when being used in the restoration of the site after the extraction of the sand and gravel has been completed. The aim of the statutory five-year '*after-care*' period would seek to ensure that the agricultural quality of the restored land would be re-established and achieve the '*required standard*'. In addition, the area of proposed '*wet woodland*' amounting to some 7.5 hectares would achieve

restored soil profiles of those prior to mineral extraction and thereby having the potential to be worked as BMV land should a future need arise.

- 7.64 The relevant local '*Development Plan*' policies against which to assess the proposed development in respect of its impacts upon interests of soil resources and agriculture comprise criterion (c) (seeking appropriate working method and programme to minimise a proposal's impacts), criterion (e) (seeking effective mitigation through environmental and amenity safeguards) and criteria (f) and (g) of '*saved*' Policy 4/1 (relating to restoration and '*after-care*') and criterion (i) (safeguarding against cumulative impacts), as well as '*saved*' policies 4/18 and 4/20 of the North Yorkshire Minerals Local Plan where '*saved*' Policy 4/18, whilst seeking to minimise as far as possible any irreversible loss of agricultural land, seeks to ensure the proposed restoration scheme provides for the best practicable standard of restoration and '*saved*' Policy 4/20 seeks to "*bring the restored land up to an approved standard for the specified after-use*". In addition, a further relevant '*development plan*' policy is Hambleton District Council's Core Strategy Policy CP1 (particularly criterion (v) seeking to protect and enhance the quality of natural resources including land), Policy CP18 which seeks to ensure that natural resources are utilised prudently.
- 7.65 Paragraph 112 of the NPPF states that '*authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, [...] authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*' At the same time, Paragraph 118 of the NPPF states '*when determining planning applications, [...] authorities should aim to conserve and enhance biodiversity by applying the following principles...opportunities to incorporate biodiversity in and around developments should be encouraged.*' Paragraph 144 of the NPPF then goes on to state '*when determining planning applications, [...] authorities should give great weight to the benefits of the mineral extraction, including to the economy...*' It is, therefore, considered that a balanced judgment needs to be made on the loss of BMV Agricultural Land taking into account the following:
- minerals can only be worked where they are found;
 - the opportunities for the proposed development to enhance biodiversity; and
 - the benefits of mineral extraction, including benefits to the economy.
- 7.66 While representations point to a preference for agricultural restoration, the removal of mineral from the ground and consequential impact upon the '*materials balance*' of the site renders a wholly agricultural restoration unachievable without the importation of materials '*alien*' to the site and the attendant environmental consequences of additional haulage, prolonged duration of operations and air quality impacts of tipping through increased dust generated by the disturbance and transfer of materials that would more likely be the only materials acceptable i.e. soils and inert waste (the prospect of which would be contrary to planning policy in any instance).
- 7.67 Furthermore, although, the permanent loss of BMV agricultural land is a recognised dis-benefit of the proposed development, this must be weighed in the '*planning balance*' against a recognition that this is a relatively small area and is unlikely to have significant impact on food production and security, loss of agricultural jobs or farm viability or lead to increased food importation needs.

- 7.68 Representations have also been made with regards the delay to the restoration of the existing workings. However, it is acknowledged that, as with all sectors of the economy, the minerals industry has been, and will undoubtedly continue to be, affected by the '*peaks*' and '*troughs*' in demand for its products dependent upon the position within the economic cycle both locally and further afield. As a consequence, accurate prediction of timescales as to the cessation of mineral working and completion of restoration of sites can be difficult to achieve. While the concerns of those living within the vicinity of mineral operations are understandable and are recognised, this must be '*balanced*' against the need for a continued, steady and adequate supply of mineral to market and to prematurely cease and restore a site ahead of exhausting an available commercial reserve would be unsustainable.
- 7.69 On the other side of the '*planning balance*' lies the potential for substantial biodiversity benefits arising from a mosaic of wet and dry woodland, bare ground, gravel areas, grassland, scrub, swamp, permanent and seasonal small ponds, together with an agricultural restoration of part of the land capable of being restored to the '*required standard*'.
- 7.70 The suite of application documents, including those received during the processing of this application to which reference has been made earlier in this report, have all been scrutinised by the relevant experts at Natural England from whom the County Planning Authority has sought views (Section 4.0 of this report refers). Whilst expressed concerns within the representations received point, in their view, to potential adverse impacts upon agriculture, the response to consultation made by experts on behalf of Natural England, although noting the loss of, *inter alia*, BMV agricultural land, did not give rise, after initial concerns had been addressed, to an objection to the proposed development.
- 7.71 Notwithstanding the permanent loss of 10 hectares of BMV land quality, it is acknowledged that the restoration proposals seek to safeguard the soil resource of the site as far as can reasonably be achieved. Any backfilling of the void created post-extraction would require importation of materials; a proposal which would have to be dismissed from a number of perspectives; limited availability of suitable infill material being one. As a consequence, the most reliable restoration option would be to make use of the site's own available resources and return the land to a combination of uses as that which has been proposed.
- 7.72 Having consulted upon, publicised and assessed the application, there are no findings with which to counter the applicant's appointed expert's assessment of the effects of the proposed development upon agriculture. Provided that adequate measures in mitigation were to be implemented, no significant material adverse effects upon agriculture have been identified. Notwithstanding, in order to ensure the safeguarding of soil resources on the site, consideration should be given to the imposition of specific planning conditions, were planning permission to be forthcoming, that would render the development acceptable in land use planning terms. Such conditions could include careful management of soils when stripping, moving, placing or replacing, storage or cultivation and their '*after-care*'.
- 7.73 It is therefore considered that, taking the expert views of Natural England into account, the impacts upon agriculture are capable of being satisfactorily

mitigated and measures can be taken to limit their scale as far as is practicable to do so given the materials balance on the site. Furthermore, the information submitted by the applicant is considered to be both adequate and sufficient upon which to determine the planning application whilst having regard to the statutory obligations placed upon the County Planning Authority.

- 7.74 Having described and summarised within Section 3.0 of this report the detailed submissions which demonstrate how the proposed development and the activities and operations associated with each phase of the development would be undertaken and, having also outlined the method and programme of working and the mitigation and the safeguards that are proposed to be put in place with respect to the soil resources (i.e. satisfactory provision has been made to ensure high standards of soil stripping, storage management, restoration, drainage and aftercare to secure, albeit limited, restoration using BMV soils for future agricultural purposes), it is acknowledged that compliance with 'saved' NYMLP Policy 4/18 is achievable through the means of a degree of flexibility provided by the words, "*where possible*". This *development plan* policy seeks to ensure against the irreversible loss of best and most versatile ('BMV') land where possible to do so. In the case of this particular development proposal, there would be a resultant loss of 10 hectares of BMV land. The proposals have sought to minimise the irreversible loss of BMV agricultural land and conserve as much BMV soil as practicable incorporating the remaining high grade agricultural soils and as much of the lower grade soils in the restoration proposals.
- 7.75 It is acknowledged within the County Council's adopted NYMLP that the lower river valleys possessing higher quality agricultural land lie concurrent with where the county's sand and gravel resources; a consideration also recognised within national policy, more recently, within Paragraph 142 of the NPPF in which it reads minerals "*can only be worked where they are found*". It is also acknowledged that with a '*materials balance*' indicating insufficient quantities of resources '*to-hand*' on site, the choice of restoration for the site as proposed is the optimal choice were a permission to be forthcoming. It is noted that of those soil resources that are available, they would be used to restore site and not be lost for use elsewhere.
- 7.76 Both recognising and accepting the expert views of Natural England that proposal's benefits would help offset the impacts such as that upon agriculture, a recommendation of approval subject to conditions in order to mitigate against identified impacts is deemed both reasonable and appropriate in the circumstance of achieving continued extraction of sand and gravel from this existing mineral producing working and having regard to national policy within the NPPF at Paragraph 144 that "*great weight to the benefits of the mineral extraction, including to the economy*" should be given.
- 7.77 Therefore, in the absence of unacceptable and/or adverse cumulative effects specifically upon agriculture of material significance in light of their effects in terms of magnitude, extent, duration, reversibility, timing and frequency, criteria (c), (e), (f), (g) & (i) of 'saved' NYMLP Policy 4/1, 'saved' NYMLP Policy 4/18, 'saved' NYMLP Policy 4/20, and Hambleton's Core Strategy policies CP1 and CP18 have, for the most part, been satisfied in this particular instance; albeit

acknowledging that a degree of conflict exists in the circumstance of the permanent and irreversible loss of 10 hectares of BMV quality land.

Hydrology & hydrogeology

- 7.78 The assessment of the likely significant effects of the proposed development upon the water environment, including any potential adverse impacts upon both ground and surface waters, is included with Section 7 of the applicant company's submitted Environmental Statement. The assessment has acknowledged the importance of sources of water (in terms of their conservation i.e. quantity and/or quality). It has confirmed that the sand and gravel that is proposed to be extracted is, for the most part, situated beneath the water-table and therefore de-watering is proposed to be undertaken to allow dry working of the mineral. In order to support the application, in addition to the original [Hydrological and Hydrogeological Impact Assessment](#), the County Planning Authority has received a '[Geomorphological Assessment](#)', a '[Supplementary Hydrogeological Report](#)', and an [updated Hydrogeological Impact Assessment](#). Furthermore, in acknowledging the national significance, geographically, of ecological designations, the effects of the proposed development have been the subject of an '[Assessment of effects upon the Ripon Parks SSSI](#)'. The expert consultants, ESI Ltd, appointed by the applicant company to assess the hydrological and hydrogeological impacts of the proposed development have confirmed that dewatering would continue to be required to allow for sand and gravel to be efficiently exploited from the proposed area of extension. It was reaffirmed that whilst a strong hydraulic connection exists between the proposed workings and the River Ure, water from the river that would recharge the sand and gravel aquifer due to drawdown caused by quarry dewatering would eventually return to the river via quarry discharge.
- 7.79 In assessing the impacts of the proposed development, with particular regard to the *High Batts Nature Reserve*, the consultants have concluded that the restoration proposals comprising a series of lakes would serve to "*enhance the capacity of the site to support wildlife and provide recreational activities*" and while causing "*up-gradient groundwater levels to be reduced*" and "*downgradient groundwater levels to be increased*" could potentially cause a long-term reduction in groundwater levels in the deeper aquifer beneath the upgradient *High Batts Nature Reserve*, but this is thought, in their expert opinion, to be "*small*".
- 7.80 Whilst the control of the water table through dewatering would result in the lowering of the water table in the vicinity of the quarry void, it is nevertheless a continuation of the practice employed to date which has occurred without any issues being raised by relevant authorities giving cause for concern of significant detrimental impacts upon the water environment. Furthermore, given its employment for a temporary duration in relative terms and reversibility, the dewatering itself is not expected to present long-term significant irreversible adverse impacts upon material interests relating to hydrogeology and experts have concluded that groundwater levels would be likely to recover close to their levels prior to those that previously existed prior to the proposed development.

- Flood risk and drainage

- 7.81 In terms of flood risk, the effects of the potential for an increase in flood risk both to, and from, the site during extraction has been assessed. A [Flood Risk Assessment](#) has accompanied the application. During the course of the processing of the application, a further submission, '[Pennycroft \(Ripon\) Extension Flood Review](#)' was received seeking to address matters of concern raised by interested parties and, later, also a [revised Flood Risk Assessment](#).
- 7.82 The national planning policy on flood risk is set out in the NPPF. It is a requirement that flood risk assessments are provided with applications for sites in areas of higher flood risk as identified on the Environment Agency's maps. Paragraph 100 within Section 10 of the NPPF requires that a sequential approach is applied to direct the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk.
- 7.83 In acknowledging the site's location within an area notified for flood alerts, the applicant company's appointed experts have recommended that rather than the construction of physical flood defences, an allowance for natural breaching been chosen as the solution explaining that taking into account the small difference in topographic level between the river and the proposed area of extension, water inundation would be "*rapid and most likely benign*". Where this is now even less likely is the revision to the '*buffer*' between the river and the workings which has increased to an 80-metre wide '*stand-off*' (in the north-western section) where there is proposed a new wet woodland to stabilise soils lying to the northern end of the main interconnected lake. Furthermore, rather than any reduction in flood storage capacity (as there are no proposed increases in the original ground levels), the applicant company's appointed experts anticipate that it would "*actually increase and there could be a minor positive impact on reducing downstream flood levels due to increased flood storage*". The applicant company's appointed experts have confirmed that, in their opinion, the concerns that had been originally raised with regard to risk to property due to changes in horizontal groundwater movement have been allayed by modelling which suggests that while groundwater levels within the quarry void and surroundings would be lower than those in the adjacent river during mineral extraction due to drawdown caused by operational dewatering and, thereby, inflow to the River Ure would be reduced, this would be compensated for by the discharge of dewatered groundwater to the river.
- 7.84 Measures put forward by the applicant company in mitigation would include, *inter alia*, an environmental management regime that would minimise any risk of pollution; appropriate '*stand-off*'/*buffer*' distances from interests of material importance such as, by way of example, the adjacent Ripon Parks SSSI; the pumping of dewatering discharge water either direct to the river or to on-site lagoons where settlement would occur prior to discharge and then the subsequent regulated discharge of water from the settlement lagoon to compensate for reduction in the groundwater base flow as well as the implementation of the submitted [Groundwater & Surface Water Monitoring Scheme](#).
- 7.85 Relevant extant planning policies against which to assess the proposed development in respect of its impacts upon both hydrology and hydrogeology

include 'saved' NYMLP Policy 4/1, in particular, criterion (b) requiring the siting and scale of the proposed development to be acceptable, criterion (c) requiring appropriate working method and programme to minimise the proposal's impacts, criterion (e) (seeking effective mitigation through environmental and amenity safeguards) and criterion (i) which seeks to ensure that the cumulative impacts of development proposals are taken into account and assessed as being acceptable. In addition, 'saved' NYMLP Policy 4/10 is directly engaged in that it seeks only to support proposals "where they would not have an unacceptable impact on surface or groundwater resources" and 'saved' NYMLP Policy 4/14 similarly ensuring against unacceptable impacts upon the environment in general.

- 7.86 With regards other policies that form part of the *development plan*, albeit not specifically with minerals-related development as their focus, include criterion (vi) of Policy CP1 of Hambleton District's Core Strategy that requires consideration of the natural drainage and surface water, CP16 seeking, *inter alia*, to preserve and enhance the area's natural assets and CP21 (particularly criterion (i)) seeking to ensure that communities and other assets are not adversely affected by the actions of natural or other forces (such as flooding). A further development policy of Hambleton District Council is that of DP43 which directs that "proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere". A relevant policy within the Harrogate District Core Strategy (again, albeit not specifically with minerals-related development as its focus) is that of EQ1 which requires proposals, amongst other matters, to plan for, design, construct and operate development with climate change (e.g. flooding) and risk to the environment (e.g. pollution) in mind.
- 7.87 Those making representation in respect of the proposals have made specific reference to potential adverse effects as a result of dewatering. In response, the applicant company has reiterated that the existing dewatering pump is proposed to be decommissioned upon the cessation of mineral extraction in the current working area to the north of the river and therefore would safeguard against any potential cumulative effects that could occur were the pumping to be retained for the proposed development.
- 7.88 Furthermore, the submissions made by the applicant company have all been scrutinised by the relevant experts with their jurisdictional fields including those Officers of the Lead Local Flood Authority, the Environment Agency, Natural England, the District Council and Yorkshire Water Services Limited. The consultation responses received by the County Planning Authority are the views expressed by experts in their respective fields and have returned their independent and impartial opinions insofar as their individual areas of expertise. Those consulted have accepted the findings of the applicant's experts and are satisfied that the mitigation of the effects of the development with regard to the potential impacts upon hydrology and hydrogeology as well as safeguarding against flood risk are both appropriate and proportionate and that, where a consultee is of the opinion that controls are necessary, they have offered up suggested wording and while recommendations have been made suggesting conditions which may be considered for imposition to render the proposed development acceptable in land use planning terms (as earlier referred within Section 4.0 of this report), no objections have been returned by those from

whom the County Planning Authority has sought impartial and independent expert views and, as a consequence, notwithstanding the matters raised by those in making representations, no reasonable ground is considered to exist upon which to refuse to grant planning permission specifically upon this material consideration alone.

- 7.89 The conditions put forward by those responding to consultation principally include those which have been recommended by the Environment Agency (although it should be noted that the submission by the applicant company of the [Groundwater & Surface Water Monitoring Scheme](#) in June of this year negates the imposition of these specific conditions in their entirety, but nonetheless requires their textual revision).
- 7.90 Taking the expert views of consultees into account, while acknowledging the existence of some localised impacts upon interests of the water environment, these impacts are capable of being mitigated, are limited in their scale and duration and in some instances reversible such as, by way of example, the cessation of de-watering; thereby, over time, allowing groundwater levels to be restored to their pre-mineral working levels.
- 7.91 On balance, taking into consideration the responses to consultation from experts within the national and local agencies, the information as submitted by the applicant is considered to be both adequate and sufficient upon which to determine the planning application whilst having regard to the statutory obligations placed upon the County Planning Authority with respect to the likely impacts upon the water environment.
- 7.92 Furthermore, no findings, having publicised, consulted upon and assessed the application, are considered to exist that would serve to counter the conclusions of the assessment undertaken and, increasingly over time, the impacts upon both ground and surface waters would be ameliorated and it is likely that pre-mineral working levels would return to '*normal*'. Therefore, provided the mitigation measures that have been put forward by the applicant company are implemented and maintained during the course of the development, the impacts of the proposed development that could be regarded as significantly material are considered unlikely to arise in this particular instance. Those effects likely to arise are considered to be capable of being controlled by the use of appropriately worded planning conditions were planning permission to be forthcoming.
- 7.93 Having described and summarised within Section 3.0 of this report the detailed submissions that have served to demonstrate how the proposed development and its associated activities and operations would be undertaken and having outlined that mitigation and safeguards proposed to be put in place, the proposed development is not considered to conflict with the relevant policies to which reference has been made above i.e. criterion (b), (c), (e) and (i) of 'saved' NYMLP Policy 4/1 and 'saved' policies 4/10 and 4/14 as well as criterion (vi) of Hambleton District's Core Strategy Policy CP1, and policies CP16 and CP21 (particularly criterion (i) as well as its development policy DP43 and Harrogate District Core Strategy Policy EQ1.

- 7.94 The proposed development, appropriately mitigated, weighed in the '*planning balance*', acknowledging the degree of consistency of the extant policies of the *development plan* with the NPPF, there is nothing arising which would give rise to any cogent planning reason to sustain a recommendation of refusal of planning permission on the grounds of significant material adverse impacts upon either hydrology or hydrogeology in this instance.

The historic environment

- 7.95 The assessment of the effects of the proposed development upon the interests of archaeology and the wider historic environment (including both designated and non-designated heritage assets) has been included within the applicant company's submitted Environmental Statement within its *Cultural Heritage Assessment* in Section 8 prepared by Andrew Josephs Associates. More recently, in June of this year, has been the submission of a '*Written Scheme of Investigation for an Archaeological Watching Brief*' (dated May 2017) prepared by West Yorkshire Archaeological Services for consideration by the County Planning Authority.
- 7.96 The assessment considered both the '*direct*' effects (i.e. those that physically affect such interests) and '*indirect*' effects (i.e. those that affect the '*setting*' of such interests). Whilst considering '*direct*' effects, the assessment concluded that no significant material adverse effects would result by dint of the archaeological potential of the subject area being deemed to be "*very low*" and it similarly concluded that the '*indirect*' effects of the proposed development upon the interest of the Norton Conyers estate and its '*setting*' (including the views both '*toward*' and '*away*' from the historic asset) was also not considered significant taking into account that the "*limited distant glimpsed views*" of the mineral workings that would be afforded by "*small gaps in the tree cover*" were considered neither '*critical*' or '*designed*' and the effect upon setting '*minimal*'. Furthermore, there would be no intervisibility between the proposed area of the development and several scheduled monuments that lie present within a 3 kilometre radius by dint of the undulating topography, vegetation (including hedgerows, trees, copses and woodlands) in the intervening distance and/or extent of separation alone.
- 7.97 The applicant company has explained that such measures would include the infilling of gaps within the tree cover along the margins of the River Ure that "*could also coincide with the restoration strategy to reintroduce wet woodland into the south-east corner of the proposed extraction area*" and replanting of seventeen parkland trees that have been lost since the 1910 Ordnance Survey within the western part of the South Lawn of Norton Conyers so as to restore westerly parkland vistas together with the replanting of other lost parkland trees on the North and South Lawns. Therefore, the *Historic Landscape Assessment* points to the preservation of views both from and toward Norton Conyers as a means of mitigating the effects of the proposed development upon this particularly sensitive historic asset. The applicant company has proposed, in mitigation, this enhancement of the '*setting*' of the estate through a combination of '*off-*' and '*on-*'site native tree planting capable of being secured through the imposition of conditions attached to a planning permission should that be forthcoming and through the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as

amended) in order to secure the works as described and as proposed i.e. the implementation of the *Norton Conyers off-site tree planting* within three years of commencement with five-year maintenance.

- 7.98 Other measures in mitigation, but this time in respect of archaeological interest would be by way of an '*archaeological watching brief*' during soil stripping in accordance with the submitted *Written Scheme of Investigation (WSI)* followed by "*a full written, drawn and photographic record of all material revealed*".
- 7.99 The relevant '*development plan*' policy context is considered to comprise criterion (c) (appropriate working method and programme) and criterion (e) (seeking effective mitigation through environmental and amenity safeguards) and criterion (i) (safeguarding against cumulative impacts) of '*saved*' NYMLP Policy 4/1, Hambleton Core Strategy policies CP1 (particular criterion (xi)), CP16 (seeking to support the protection and enhancement of man-made assets) and CP17 (seeking to enhance and respect local landscape context in relation to the historic landscape), and policies DP2 (seeking developer contributions), both DP28 & DP29 (seeking the conservation of heritage assets through preservation etc.), DP30 and DP33 of the Hambleton Development Policies DPD. While these policies contain landscape-related policies, they are also considered relevant in the context of potential effects on the setting of cultural heritage assets. With specific respect to the registered Park and Garden of Norton Conyers, '*saved*' Policy HD7A of the Harrogate Local Plan is engaged in this instance stating development "*will not be permitted where it would adversely affect the character or setting of parks and gardens*".
- 7.100 Amongst those making representations in respect of the proposed development is one that alleges the destruction of archaeological interests within current working area; however, this is not a view that is shared by those from whom the County Planning Authority has sought an expert opinion. Having scrutinised the application and its accompanying supporting information, Historic England has noted the area proposed to be extracted to be of "*limited archaeological potential*" and offered the opinion that any setting issues on the Grade II* listed Norton Conyers house and its Grade II Park and Garden would be addressed by tree planting along the edge of the quarry site and within the registered park and so long as this was adhered to, considered there to be no long-term impact on heritage assets. Similarly, the County Council's own in-house adviser in respect of archaeology has responded to consultation confirming that they were satisfied with the level of archaeological information submitted with the application. The response supported the proposed mitigation, comprising of an archaeological strip and record, as set out in the *Written Scheme of Investigation* and returned no objection to the development as proposed.
- 7.101 It is considered that the key impacts which need to be addressed are impacts from the proposed mineral working resulting from changes brought about in the local landscape and therefore potential impacts upon their respective '*settings*', as well as the extent, duration, reversibility, timing and frequency of the effects of the proposed development. In assessing the proposed development in terms of its land use acceptability, the temporary nature of the proposed development is a factor to be weighed in '*the planning balance*'; as is the nature of the proposed restoration upon the cessation of mineral working i.e. restoration to wet woodland and open water together with any measures proposed to be

implemented to mitigate against any impacts. During the period of time proposed for the working of the mineral itself, the expert analysis undertaken as part of the assessment of significant environmental effects found there to be only a '*negligible*' degree of impact upon the setting of the acknowledged historic asset, Norton Conyers, due to the level of change anticipated to be witnessed in views, both '*to*' and '*fro*'; whilst acknowledging that mineral working can detract from the local landscape. However, following the cessation of mineral working and subsequent restoration of the proposed extension area, the conclusion drawn has been one of '*no change*' and, indeed, one of a "*restored view*" according to the LVIA (2011).

- 7.102 The consultation responses received by the County Planning Authority are the views expressed by experts in their respective fields and have returned their independent and impartial opinions insofar as their individual areas of expertise are concerned. Those consulted have accepted the findings of the applicant's experts and are satisfied that the mitigation of the effects of the development with regard to safeguarding the interests of archaeological importance and heritage value and protection against adverse visual impacts are both appropriate and proportionate and that, where a consultee is of the opinion that controls are necessary, they have offered up suggested wording.
- 7.103 Such controls could include the consideration of the imposition of planning conditions together with securing the completion of a legal agreement as earlier referred. With respect to a conditions of relevance to the safeguarding the preservation, conservation and/or enhancement of interests of archaeological importance and heritage value, the possible imposition of a condition requiring compliance with the submitted '*Written Scheme of Investigation for an Archaeological Watching Brief*' (ASWYAS, May 2017) that could be considered.
- 7.104 Taking the expert views of consultees into account, while acknowledging the existence of some localised effects, the archaeological and heritage impacts are capable of being mitigated, are limited in their scale and duration and, in certain instances, are reversible. On balance, taking into consideration the responses to consultation from experts within the national and local agencies, the information as submitted by the applicant is considered to be both adequate and sufficient upon which to determine the planning application whilst having regard to the statutory obligations placed upon the County Planning Authority. In respect of interests or archaeological importance and heritage value, due regard has also been had to statutory duties of conservation, preservation and enhancement of heritage assets under the provisions of the Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979 together with the policy and guidance set down within the NPPF and NPPG respectively.
- 7.105 There are no findings, having publicised, consulted upon and assessed the application that would serve to counter the conclusions of both the *Cultural Heritage Assessment* and the *Historic Landscape Assessment* and, therefore, taking into consideration the absence of significant material adverse impacts upon interests of archaeological importance and heritage value and that any acknowledged impacts would be of limited local consequence provided that measures in mitigation are implemented, weighed in the '*planning balance*', the proposed development is considered to be, overall, without significant conflict

with 'development plan' policy to such a degree as to argue a contravention of planning policy and more specifically, criteria (c), (e) and (i) of 'saved' NYMLP Policy 4/1, Harrogate Local Plan 'saved' Policy HD7A, as well as Hambleton Core Strategy policies CP1 (particular criterion (xi)), CP16 and CP17 and policies DP2, DP28, DP29, DP30 and DP33 of its Development Policies DPD.

Local amenity impacts (including noise and dust)

- 7.106 The assessment of the likely significant effects of the proposed development in respect of local amenity issues such as noise as well as air quality impacts such as dust have been the subject of two separate sections within the submitted Environmental Statement.

Noise

- 7.107 [Section 10](#) of the submitted Environmental Statement prepared by Vibrock Limited on behalf of the applicant company assessed the likely significant effects arising from noise generating activities associated with the proposed development. As earlier referred within Section 3.0 of this report, the assessment has considered the potential noise impacts of the proposed development during temporary operations, e.g. soil stripping, and the long-term day operations upon a number of properties and a survey of noise measurements at the properties of *North Parks*, *High Green Cottage* (North Stainley), *Manor Farm*, *Bellflask House*, *Rushwood Lodge* and *Norton Mills* has also been undertaken for the purpose of informing Vibrock's '[Assessment of Environmental Impact of Noise](#)'. The submitted report has explained that when assessing the shorter term potential impacts of mineral operations, such as site preparation, soil and overburden stripping, bund formation and final restoration, then a higher noise limit of up to 70dB LAeq,1h is supported in national policy as being used as the threshold provided the duration of such activities is confined to only eight weeks in any calendar year. Whilst acknowledging the impact of these temporary operations to be 'adverse', they have equally been acknowledged as being both 'short-term' and 'reversible' in their nature. With regards the 'normal' day-to-day mineral extraction operations, a noise limit of less than 55dB LAeq,1h is considered appropriate and is supported in national guidance within the NPPG. Taking these considerations into account, the assessment has concluded the undertaking of the proposed development to be capable of remaining within the current noise level restrictions without giving rise to undue harm to local residential amenity.
- 7.108 Although for the most part, predicted noise levels have been deemed capable of falling below the levels stated within national guidance, one property has been identified as being susceptible to exceedences of these levels, namely *North Parks Farm*. Thus, specifically in respect of this property, the applicant company has proposed the possibility of a screening structure between the quarry and the property and the continued monitoring of noise emissions as well as the potential installation of secondary glazing were that to be assessed as being warranted. Further afield would continue to be the monitoring of noise levels emanating from the activities associated with the mineral operations in accord with a noise monitoring scheme in the event that planning permission were to be forthcoming.

- 7.109 While submissions made by the applicant company in respect of their application to extend the time-limit pertaining to the existing mineral working area, it, nevertheless, is both relevant and material to the consideration of this current application to have regard to their content. In December of last year, the applicant company explained the noise mitigation measures that were being/had been undertaken to address the issue of noise emanating from on-site operations associated with mineral working including the processing plant. These include measures undertaken during 2016 such as the rubber-lining of dumpers and screen chutes; excavator sound-proofing; the relocation of the a principal pump behind an acoustic bund; the reversing beepers of loading shovels made quieter; acoustic fencing for the primary crusher; dozer engine bay sound-proofing and a proposal, for this year, to purchase a new excavator equipped with sound deadening panels.
- 7.110 Where possible to do so, other measures such as the location of soil storage bunds can potentially have mitigation which is two-fold; one which addresses the impacts upon the visual amenity of those within the vicinity of the site either through the enjoyment of the local public rights of way network or those living nearby, but also a second which is able to mitigate the carrying of noise beyond the confines of the working area by deflecting direct travel of sound.
- 7.111 In addition, another measure, the formation of a new Community Liaison Group, would facilitate the resolution of complaints. This Group meets twice a year where complaints such as those made in objection to this application can be discussed and resolved by the applicant company.
- 7.112 The relevant '*development plan*' policy context in respect of noise comprises criterion (c) of '*saved*' NYMLP Policy 4/1 which seeks applicants to demonstrate, through the method and proposed programme of works that the impacts of the development would be minimised, criterion (e) of that same policy which directs that applications must be assessed for their environmental and amenity safeguards to effectively mitigate against the impacts of a proposed development and, lastly, criterion (i) seeking to ensure against unacceptable cumulative impacts. '*Saved*' NYMLP Policy 4/14 also seeks to safeguard against unacceptable environmental impacts and '*saved*' NYMLP Policy 4/16, which seeks processing plant siting, design and maintenance to minimise the impact on the environment and local amenity, is also engaged in this instance. While not specifically directed toward mineral-related development proposals, Hambleton District Council's Core Strategy Policy CP1 (particularly criteria (iii) and (v)) (seeking to protect health and well-being and the natural environment) and Policy CP21 (particularly criterion (ii) which seeks measures to mitigate against the effects of noise) and development policies DP1 (which seeks to preserve amenity) and DP44 (which seeks to direct noise-generating activities away from noise-sensitive locations) also share a similar aim. Harrogate Borough Council's Core Strategy Policy EQ1 is also relevant insofar as addressing risks to the environment such as pollution.
- 7.113 Representation received against the application from one property, namely *Rushwood Lodge*, has identified noise as a specific issue of concern. The opportunity has been taken by the applicant company to address the concerns that have been raised and while, again, submissions have been made by the applicant company in relation to the application pertaining to an extension to

the time-limit condition relating to the existing area of working, they are nevertheless considered to be both relevant and material to the consideration of this current spatial extension application. A noise-related complaint was most recently received by the County Planning Authority in October 2016 (and previous to this July 2015) from the property and, as with the July 2015 complaint, the October 2016 complaint has been investigated by the County Planning Authority's Monitoring and Compliance Officer in liaison with the Hambleton District Council's Environmental Health Officer.

- 7.114 The most recent Site Monitoring Report dated 24th February 2017 reporting on a visit undertaken the previous day states "*the operator has purchased a new excavator and dumper which has been sound-proofed/rubber-lined; white noise beepers on machinery have been muffled as far as possible; the crusher and shoots (sic) have been sound-proofed, the pump area on the northern side has been bunded and a new wooden acoustic barrier has been erected to the rear of the processing plant as part of a number of measures undertaken on site to reduce noise emission... The beeping of horns on site has been banned and there is new signage on site to advise drivers of this new measure*". Furthermore, it points to the most recent noise monitoring report dated 31st January 2017 as demonstrating "*compliance with the noise limits set out under [the] condition with the exception of one occurrence near the Norton Mills monitoring point, which was understood to have come from nearby farm vehicles*" and a [Noise Monitoring Scheme](#) has been recently approved (November of last year).
- 7.115 The most recent [Noise Monitoring Survey](#), undertaken to accord with planning conditions pursuant to planning permission [C6/500/95B](#) (C2/99/045/0011) dated 8th October 2001, has been submitted to the County Planning Authority. The actual readings for the survey were undertaken between 10:05 and 14:10 hours on the 25th January 2017 and between 10:45 and 13:05 hours on the 26th January 2017. While the measured sound levels were below the noise limits stipulated within the planning consent, there was a slight exceedance at *Norton Mills*, but this was determined to have not been caused by quarry related activities. An extended 24-hour survey between these two dates was also conducted with a specific focus upon *Rushwood Lodge*. In respect of all monitoring stations, the noise levels experienced were below the maximum stated noise level limit of 55 dB $L_{Aeq,1hr}$. Whilst these survey results are not directly relevant to the site which is the subject of this current application, it nevertheless serves to demonstrate the mitigation measures which have been incorporated to safeguard against unacceptable noise disturbance within the vicinity of the existing site are achieving their stated aims and objectives.
- 7.116 With specific regard to the property of *Rushwood Lodge*, their experience of noise pertaining to the existing quarrying operations has been described by the applicant company-appointed noise consultant as an acoustic environment consisting of "*wind rustle, birdsong, and vehicle movements along Tanfield Lane...On occasion sound was also audible from extractive operations in the mineral extraction area north of the river*". The measurements demonstrated compliance with the levels permitted by the consent under which the quarry operates with the exception of a single one-hour period; however, upon scrutiny of the recordings, it was determined that the exceedance was not attributable to the quarry operations. It is noted that the current proposed extension of the

quarry to the south of the river would be expected to have an attendant continuing reduction in the chances of potential adverse impacts, arising direct from the mineral-related operations, upon the noise climate experienced by those living at *Rushwood Lodge* as activities at the site progresses at distances further from the property in question.

- 7.117 Representation has also been received with regards the potential adverse effect of the proposed development as a result of the use of the dewatering pump. However, in response to this, the applicant company has reiterated that the existing dewatering pump is proposed to be decommissioned upon the cessation of mineral extraction in the current working area to the north of the river and would, therefore, safeguard against any potential cumulative noise impacts that could occur were the pump to be retained. This is similarly the case with regards the associated quarry vehicles over the hardened river crossing; the use of which would also decrease upon the cessation of mineral extraction within the current working area to the north of the river.
- 7.118 The expert views of both the Hambleton District and the Harrogate Borough Council's Environmental Health Officers have been sought on behalf of the County Planning Authority and their independent and impartial opinions have returned no objection to the proposed development; although, clearly, the amenity of those living in proximity to the proposed development should be safeguarded. In light of this, it would be wholly appropriate and reasonable to give consideration to imposition of conditions to control noise emissions. Such conditions could include noise level limitations for specific operations as well as the regular monitoring of noise and submission of reports to demonstrate compliance.

Dust

- 7.119 Whilst significant adverse impacts due to dust arising from working sand and gravel at distances greater than 250 metres from the source are uncommon (as particle sizes, over $>30\mu\text{m}$, are unlikely to propagate over 100 metres), it is acknowledged that the transporting, processing, loading and/or placement of materials (including soils, interburden and/or overburden or mineral) do give rise to the generation of dust. This issue has, therefore, formed an element of the environmental impact assessment that has been undertaken. [Section 11](#) of the submitted Environmental Statement prepared by Vibrock Limited on behalf of the applicant company has assessed the likely significant effects arising from dust generating activities associated with the proposed development. As earlier referred within Section 3.0 of this report, this assessment, informed by a full PM_{10} survey (a survey of particulate matter of a size upto 10 microns ($10\mu\text{g}$)), identified sources of dust arising from the proposed development and recommended best practice measures to control fugitive dust. Taking into account the intended dust control measures, the consultants concluded the site to be capable of continuing to operate "*with minimal impact on nearby boundary locations*".
- 7.120 During the course of the processing of this application, more specifically in December of last year, the applicant company has explained the measures that were being/had been undertaken to address the issue of dust emanating from on-site operations associated with mineral working including the processing plant. These have included measures undertaken during 2016 such as the

installation of a dust suppression system to reduce the usage of a tractor and bowser. Furthermore, earlier this month (August 2017) saw the submission of a [Dust Management Action Plan](#) for consideration by the County Planning Authority.

- 7.121 The expert views of both the Hambleton District and the Harrogate Borough Council's Environmental Health Officers have been sought on behalf of the County Planning Authority and their independent and impartial opinions have returned no objection to the proposed development; although, clearly, the amenity of those living in proximity to the proposed development should be safeguarded. In light of this, it would be wholly appropriate and reasonable to give consideration to imposition of conditions to control dust emissions. Such conditions could include the temporary cessation of operations during periods of high winds and compliance with the submitted *Dust Management Action Plan*.
- 7.122 The relevant '*development plan*' policies against which to assess the proposed development's effects arising from activities that may generate dust have been outlined within Section 6.0 of this report, but principally include criterion (c), criterion (e) and criterion (i) of 'saved' NYMLP Policy 4/1; the first seeking proposals that can demonstrate that the impacts of a proposed development can be minimised through both the method and the programming of works; the second requiring developments to ensure environmental and amenity safeguards and the third safeguarding against cumulative impacts. This is reiterated in 'saved' NYMLP Policy 4/14, again, ensuring proposals do not give rise to unacceptable environmental impacts and 'saved' NYMLP Policy 4/16, which seeks processing plant siting, design and maintenance to minimise the impact on the environment and local amenity, is also engaged in this instance.
- 7.123 Although not with a specific focus upon mineral-related development proposals, the relevant '*development plan*' context also includes Hambleton District Council's Core Strategy Policy CP1 (particularly criteria (iii) and (v)) (seeking to protect air quality) and Policy CP21 (particularly criterion (ii)) and Hambleton's Development policies DP1 (which seeks to preserve amenity) and, finally, insofar as risks to the environment, such as pollution, Harrogate Borough Council's Core Strategy Policy EQ1 is also relevant.
- 7.124 Upon review of the applicant company's environmental impact assessment with specific regard to noise and dust impacts and taking into account the responses to consultation as well as the representations made during the course of processing the application, these impacts are considered to be limited in their effects, both in terms of severity and duration, arising as a result of noise and dust generating activities associated with the proposed development. The proposed mitigation measures within the submissions made by the applicant company have been considered. It is recognised that these would adequately mitigate against any significant adverse effects arising from the proposed development in terms of noise and air quality, particularly, dust.
- 7.125 Although the potential for adverse effects through noise and dust are recognised as an understandable and likely concern to the local community, these effects are considered to be capable of being adequately mitigated by the measures proposed by the applicant company and are considered capable of

being acceptable in land-use planning terms should appropriate levels of control through the imposition of planning conditions be deemed sufficient. Suitably worded planning conditions could be attached to a permission that would ensure working operations are performed within acceptable thresholds and these are conveyed in the recommendation within this report for consideration.

- 7.126 In acknowledging the degree of consistency of the relevant and extant policies of the *'development plan'* with the NPPF, with specific regard to the effects of the proposal in relation to noise and dust, the proposed development is not considered to give rise to any significant conflict with *'saved'* NYMLP Policy 4/1, and, in particular, criteria (c), (e) and (i) as well as *'saved'* policies of the NYMLP 4/14 and 4/16 and Hambleton District Council's Core Strategy policies CP1 (particularly criteria (iii) and (v)) and CP21 (particularly criterion (ii)) together with development policies DP1 and DP44 and Harrogate Borough Council's Core Strategy's Policy EQ1. Furthermore, there is nothing arising that would give rise to a conclusion that any impacts arising from the proposed development relating to noise and dust would be, materially, both significant or adverse to such a degree as to warrant a refusal on this ground alone and no argument to sustain such a refusal is found to be sufficiently compelling in this instance.

Highways matters- traffic and transport

- 7.127 The assessment of the effects of the proposed development in respect of traffic and transport is included within the *'Transport Statement'* within Environmental Statement which accompanies the planning application (Section 12 refers). This is consistent with NPPF advice within paragraph 32 seeking applications for developments generating significant traffic movements to be accompanied by a Transport Statement. The assessment explains that no changes are proposed to the existing parameters of traffic experienced at this site i.e. it does not envisage production from the site over the life of the extension to exceed previous levels; neither are there any changes proposed to the existing access in this instance. Vehicles associated with the proposed development (which are typically 20 tonne HGVs and 42 in number loaded each day (although subject to market fluctuation) would continue to access the site from the junction with the A6180 then west along dedicated length of quarry access road possessing appropriate signage and passing places to highway safety. The majority of vehicles exiting the site are said to turn left and toward Ripon with the remainder travelling north toward West Tanfield, then toward Nosterfield and then onward towards Thirsk. Principal destinations include Leeds, Bradford and York.
- 7.128 No detrimental impacts, such as that through delay or highway safety upon the public highway, have been envisaged and the *'theoretical operating capacity'* of the public highway, up to 2031, has been predicted to be unaffected were the proposed development to be implemented. The road is maintained by the applicant company to ensure dust and dirt is not carried out onto the adjoining highway; one of a number of aspects of the operations monitored by the County Planning Authority for compliance.
- 7.129 The application submissions have been scrutinised by the relevant experts within the Highway Authority and while conditions have been recommended to be imposed to safeguard the interest of highway safety, no objection to the

proposed development has been returned on the basis of the highway and traffic impacts which are acknowledged to be limited in their extent.

- 7.130 The relevant '*development plan*' policies to which due regard must be had when considering the effects of the proposed development in relation to its highway and traffic impacts principally include criterion (h) and (i) (safeguarding against cumulative impacts) of 'saved' NYMLP Policy 4/1 that requires, where appropriate, any proposed transport links to move mineral to market to be acceptable, 'saved' NYMLP Policy 4/13 concerned with ensuring that the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network and 'saved' NYMLP Policy 4/14 (safeguarding against unacceptable impacts upon the environment and local amenity). Whilst not possessing a specific focus upon mineral-related development proposals, the relevant '*development plan*' context also includes sustainable development policy of Hambleton District's Core Strategy, Policy CP1 and Policy TRA1 of Harrogate's Core Strategy (relevant insofar as it requires a Transport Assessment for proposals are likely to give rise to significant transport implications).
- 7.131 In light of the conclusion of the '*Transport Statement*', the measures put forward by the applicant company in mitigation and the expert opinion of the Highway Authority returning no objection to the proposed development subject to the imposition of a number of conditions, there is no policy conflict found in respect of any of the aforementioned '*development plan*' policies insofar as they relate to the effects of the highway and traffic consequences of the proposed development. There is also nothing arising which would give rise to any cogent planning reason to sustain a recommendation of refusal of planning permission on the grounds significant material adverse impacts upon the public highway in this instance.

Other matters

Public Access, open space, sport and recreation

- 7.132 Public Rights of Way are present within the area (including the *Ripon Rowell Walk*) and, therefore, 'saved' NYMLP Policy 4/15, which seeks their adequate protection, Hambleton Core Strategy Policy CP19 (seeking the protection, retention or enhancement of existing recreational and amenity assets) and related development policy DP37 as well as Harrogate's 'saved' Local Plan policy R11 are engaged in this particular instance. The applicant company has proposed measures to ensure the protection of affected public rights of way and safeguard against their obstruction to render the proposal compliant with this specific policy. Related to this specific issue, the North Yorkshire Local Access Forum, in responding to consultation, raised the matter of a legacy bridge, the response to which by the applicant company has been "*the idea of a bridge and wider access/links to the surrounding footpath /bridleway networks would be something to consider as part of the long term management of the site, in conjunction with interested parties and the land owners. These can be a topic /subject to consider in subsequent updates of the habitat management plan and to be discussed by the management committee ... The structure of the management plan and committee group meetings are of course formal commitments set out under our legal agreements linked to the grant of*

planning/the current permission". As this matter is not one put forward as part of the current proposals for consideration, this cannot be taken into account as being material to the determination of this application.

Public consultation

- 7.133 Representation against the proposed development has expressed an opinion that public notification has been found wanting; however, the preceding sections of this report serve to both explain and demonstrate that the process that has been undertaken during the handling of this application has been found to be compliant and not lacking with regards the requisite legislative provisions pertaining to consultation in respect of planning applications of this nature.

8.0 Conclusion

- 8.1 As referred earlier within this report, under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting position for the determination of this planning application must be the '*Development Plan*' and it must be made in accordance with the extant policies of that plan, unless there are material considerations, including any impacts upon interests of acknowledged importance that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall '*planning balance*' has been conveyed within Section 7.0 above.
- 8.2 In this particular instance, there are a range of policies in the '*Development Plan*' to which due regard must be had, as well as a number of other material considerations. In considering the relationship of the proposals to the '*development plan*', Members should note that proposals should be judged against the '*development plan*' as a whole rather than against individual policies in isolation and acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. Members will also need to bear in mind the relative weight to be attached to the applicable policies in the various elements of the '*development plan*' relevant to this proposal against that which is laid down within national planning policy (Section 6.0 refers).
- 8.3 Within national policy, as earlier referred, there is a recognised need that authorities should ensure an adequate and steady supply of mineral to market. While the proposed development does not find support in respect of any allocation within the current adopted Local Plan, it nevertheless would contribute to securing the County Planning Authority's duty to service this requirement and maintain the requisite landbank in excess of '*at least*' seven years.
- 8.4 The proposed development represents a continuation of an existing mineral working with existing associated infrastructure, negating the necessity to search for a new quarry on '*virgin*' greenfield. This continuation would also ensure that known commercially viable sand and gravel resources would not be sterilised by the cessation and removal of processing plant which may potentially not present a viable investment proposition to re-instate once removed; thereby, representing a sustainable approach.

- 8.5 Other material considerations that must be weighed in the '*planning balance*' have been considered in the preceding section of this report such as impacts upon the environment and the amenity enjoyed by the local community. These, while acknowledged to be impacts arising from the proposed development and understandably of concern to local residents living near the proposed site, are not considered to be significantly material so as to outweigh the economic benefits of the sustainable development and to be so sufficient as to warrant a determination that the application lies in conflict with the '*development plan*' to such a degree as to justify refusal of the application.
- 8.6 There are adequate and effective safeguards proposed in mitigation in respect of the protection of those living within the vicinity of the site from the impacts of the development that are considered both reasonable and appropriate and capable of being controlled through either planning conditions or legal undertakings by agreement to prevent any unacceptable impacts upon residential amenity in accordance with national and local planning policy.
- 8.7 An assessment of the proposal has been made against the relevant locational/spatial policies of the '*development plan*' (principally, criterion (a) and criterion (b) of '*saved*' NYMLP Policy 4/1, '*saved*' NYMLP Policies 3/2, 3/3 and 3/4 and '*saved*' NYMLP Policy 5/1) and no conflict with these policies is found and, therefore, a positive recommendation of an '*in principle*' acceptability in land-use planning terms is both reasonable and appropriate in the particular circumstance of the application. In addition, there has been a subsequent assessment of the proposal against other policies that comprise the '*development plan*' in respect of:
- landscape and visual impact, '*saved*' NYMLP Policy 4/1 (criteria (b), (c), (d), (e), (f), (g) and (i)), 4/14, 4/16 and 4/20; Hambleton Core Strategy Policy CP1 (criterion (ix)) and policies CP16, CP17 and CP18 together with Hambleton Development policies DP2, DP28, DP29, DP30, DP31, DP32 and DP33 as well as Harrogate Borough's '*saved*' Local Plan policies C2, HD7A and HD20 and its Core Strategy policies SG4 and EQ2;
 - ecology, '*saved*' NYMLP Policy 4/1 (criteria (c), (d), (e), (f), (g) & (i)), 4/6A, 4/14, 4/16, 4/18 and 4/20 as well as Hambleton Core Strategy policies CP1 (particularly criteria (v) and (ix)), CP16, CP17 and CP18 together with DP2, DP31 and DP32 and Harrogate's Core Strategy Policy EQ2;
 - soil resources and agriculture, '*saved*' NYMLP Policy 4/1 (criteria (c), (e), (f), (g) & (i)), '*saved*' NYMLP policies 4/18 and 4/20 and Hambleton District Core Strategy policies CP1 and CP18;
 - hydrogeology and/or hydrology, '*saved*' NYMLP Policy 4/1 (criteria (b), (c), (e) and (i)), 4/10 and 4/14 as well as Hambleton Core Strategy Policy CP1 (criterion (vi)) and policies CP16 and CP21 (criterion (i)) together with Development Policy DP43 and Harrogate Core Strategy Policy EQ1;
 - cultural heritage and archaeology, '*saved*' NYMLP Policy 4/1 (criteria (c), (e) and (i)), Hambleton District Core Strategy policies CP1 (particular criterion (xi)), CP16 and CP17 as well as Hambleton Development policies DP2, DP28, DP29, DP30 and DP33 and Harrogate Local Plan '*saved*' Policy HD7A;
 - residential amenity, '*saved*' NYMLP Policy 4/1 (criteria (c), (e) and (i)), 4/14 and 4/16 as well as Hambleton Core Strategy policies CP1 (particularly criteria (iii) and (v)) and CP21 (criterion (ii)) together with Development policies DP1 and DP44 as well as Harrogate Core Strategy Policy EQ1; and,

- traffic and highway impacts, criterion (h) and (i) of 'saved' NYMLP Policy 4/1 and 'saved' policies 4/13, 4/14 and 4/15 as well as Hambleton Core Strategy policies CP1 and CP19 and related development policy DP37 and 'saved' Harrogate Local Plan Policy R11 as well as Harrogate Core Strategy policy, TRA1

while acknowledging a degree of conflict with 'saved' Policy 4/18 exists in the circumstance of the permanent and irreversible loss of 10 hectares of BMV quality land), there are found no conflicts with all other relevant policies considered to be of sufficient material weight that would challenge the earlier referred 'in principle' acceptability of the development warranting a recommendation towards a refusal of planning permission.

- 8.8 Taking the above into consideration, the proposed development either accords with, or does not give rise to significant material conflict with the aims of the relevant 'saved' policies of the NYMLP or the extant development plan documents of the Hambleton District or Harrogate Borough Councils. There are, on balance, therefore, no material planning considerations to warrant the refusal of this application for the development as proposed.

Obligations under the Equality Act 2010

- 8.9 The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they will not have a significant impact on groups with 'protected characteristics'.

Obligations under the Human Rights Act

- 8.11 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 8.12 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and

family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

9.0 Recommendation

9.1 Upon considering that the Environmental Statement, including further and other information submitted by the applicant, includes such information as that which may be reasonably required to assess the environmental effects of the development and which the applicant could reasonably be required to compile; and,

9.2 Having taken into account the environmental information relating to the application, namely the Environmental Statement, including further and other information submitted by the applicant, and duly made representations concerning the environmental effects of the development; and,

9.3 Having had due regard to the Human Rights Act; the relevant issues arising have been assessed as the potential effects upon those living within the vicinity of the application site; namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering that limited interference with those rights in accordance with the law, necessary and in the public interest; and,

9.4 Having paid special regard to the desirability of preserving or enhancing listed buildings and their settings

THAT, subject to prior completion of a planning obligation (legal undertaking) under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following matters that are considered necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development:

- the preparation of a *Bird Management Plan* to be retained in perpetuity including details:
 - to provide MOD or its appointed agents with monthly reports of bird species and numbers at the site if requested by the MOD;
 - to allow access to an inspection of these by MOD or its appointed agents each year (or more frequently if MOD requires) to verify bird populations;
 - at the request of MOD disperse any feral geese and waterfowl populations considered by the MOD to pose an unacceptable hazard to traffic; and,
 - at the reasonable request of MOD clear any gull roost(s) considered by MOD to pose an unacceptable hazard to air traffic.
- the control of the long-term restoration, aftercare and management of the site including:
 - the submission of a *Habitat Management Plan* within six months of commencement of the proposed development that will be subject to both review and approval every five years;
 - the submission within six months of commencement, the *Ripon Parks SSSI Management Scheme*,
 - the establishment of a *Habitat Management Committee*;
 - the implementation of the *Norton Conyers off-site tree planting* within three years of commencement with five-year maintenance; and,

- covenant that “no Water Activities shall take place at the Site during the Management Period”.

PLANNING PERMISSION BE GRANTED for the purposes of the extension of the existing sand and gravel workings at Ripon Quarry, North Stainley, Ripon, North Yorkshire

SUBJECT TO the conditions contained within the draft Schedule of Conditions attached to this report.

***Statement of Compliance with Article 35 of the Town and Country
Development Management Procedure 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.

D BOWE

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

Background Documents to this Report:

1. Planning Application Ref Number: No. NY/2015/0429/ENV registered as valid on 7th December 2011. 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/PlanAppDisp.aspx?recno=8225>
2. Consultation responses received.
3. Representations received.

Author of report: Vicky Perkin

No.	DRAFT SCHEDULE OF CONDITIONS
	Statutory time limit
1	The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.
	<i>Reason: To allow for the sequence of mineral extraction from each phase and in accordance with the provisions of Section 91(1)(b) of the Town & Country Planning Act 1990 (as amended)</i>
	Duration of permission
2	The permission hereby granted is valid until 31 st December 2030 and the development hereby permitted shall be discontinued. Any buildings, plant and machinery shall be removed from the site before that date and the site shall be restored in accordance with the application details and the requirements of this permission by that date or within 12 months following the abandonment of the site, whichever is the sooner.
	<i>Reason: To reserve the rights of the County Planning Authority to ensure the adequate control of the development and provide for the proper completion and progressive restoration of the land to the requisite standard with the minimum of delay in the interests of amenity.</i>
	Definition of development
3	The development hereby permitted shall be carried out, except where modified by conditions to this permission, in accordance with the application details as originally submitted with the application dated 17 th November 2011, as subsequently submitted during the processing of the planning application and the following documents: <i>Document list to be confirmed...</i>
	<i>Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out in accordance with the approved application details and to ensure that the development is undertaken with the minimum harm to the environment.</i>
	Prior to the commencement of development
4	No development shall take place until written notification of the commencement of development has been provided to the County Planning Authority at least seven (7) days, but not more than fourteen (14) days, prior to commencement.
	<i>Reason: To reserve the rights of control by the County Planning Authority</i>
	Limitations to development
5	Notwithstanding the provisions of Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order revoking or re-enacting that Order), no fixed, static or mobile plant or buildings shall be erected within the application site, except as provided for in the development hereby permitted, without the prior grant of planning permission.
	<i>Reason: To reserve the rights of control of the County Planning Authority in the interest of safeguarding amenity</i>
6	With the exception of necessary preparation works (such as the creation of haul roads, soil stripping etc.), no mineral extraction associated with the development hereby permitted shall commence until mineral extraction operations within the existing working area have ceased.
	<i>Reason: To prevent any potential cumulative impacts arising as a result of the development hereby approved.</i>
7	No development that would obstruct the existing bridleway adjoining the plant site area shall take place.
	<i>Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity</i>
8	With the exception of rock or aggregate extracted from the existing working, no rock or aggregate shall be imported into the site for stockpiling, processing or any other purpose.
	<i>Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity.</i>
9	No mineral shall be stockpiled except within the approved locations and no such stockpiles shall exceed a height of 12 metres above adjoining ground level
	<i>Reason: In the interest of amenity</i>
10	No mineral extraction hereby permitted shall take place except in accordance with the sequence and phasing of working as outlined in the planning application.
	<i>Reason: In the interest of amenity</i>
	Protection of the water environment
11	The revised <i>Groundwater and Surface Water Monitoring Scheme</i> (June 2017) shall be adhered to at all times for the duration of the development and the monitoring referred to therein shall be undertaken in strict accordance with the approved scheme.

	<i>Reason: To reserve the rights of control by the County Planning Authority and the protection of water resources by ensuring that local groundwater levels are not adversely affected by removal of sand and gravel from the quarry.</i>
12	If the results of the monitoring as specified in condition no. ## above indicate that dewatering is exceeding the trigger levels set within the approved scheme, a programme of measures having first been submitted to and approved in writing by the County Planning Authority shall be implemented to rectify the situation.
	<i>Reason: To reserve the rights of control by the County Planning Authority and the protection of water resources by ensuring that local groundwater levels are not adversely affected by removal of sand and gravel from the quarry</i>
13	No extraction of sand and gravel shall take place except in accordance with the general method of working set out in the application details and in particular the maximum temporary reduction in groundwater level within the extraction areas shall not exceed 6 metres
	<i>Reason: To safeguard the groundwater environment</i>
14	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 compounds shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks plus 10%. All filling points, vents and gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
	<i>Reason: To ensure the rights of control of the County Planning Authority in the interest of minimising the risk of pollution to surface and/or ground water resources.</i>
15	Throughout the period of working, restoration and aftercare the operator shall:- a) 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; b) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there shall be no pollution or other adverse effect on watercourses.
	<i>Reason: To prevent damage and pollution to water resources and off-site drainage including that of agricultural land.</i>
Protection of adjacent Ripon Parks SSSI	
16	A 5-metre wide 'buffer' between the haul road and the Ripon Parks SSSI shall be maintained free from fugitive emissions and dust at all times
	<i>Reason: To reserve the rights of control by the County Planning Authority in the interest of habitat protection</i>
Safeguarding residential amenity	
Safeguarding against unacceptable traffic and highway impacts	
<i>Use of existing access only</i>	
17	There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the A6108. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway.
	<i>Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.</i>
Precautions to prevent mud on the highway	
18	The access road from the site 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.
	<i>Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of highway safety and safeguarding the local environment.</i>
19	Such provision as may be approved by the County Planning Authority shall be made wholly within the site for the parking, turning, loading and unloading of vehicles visiting the site. Such arrangements shall provide satisfactory accommodation for the vehicles of staff and visitors. All vehicles involved in the egress from the site shall be assessed for cleanliness and shall be cleaned as necessary before leaving the site so that no mud or waste materials are deposited on the public highway.
	<i>Reason: In the interests of highway safety</i>

20	Precautions, including if necessary the provision of wheel cleaning facilities, shall be taken and maintained to ensure that all vehicles leaving the site are in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site																
	<i>Reason: To ensure the appropriate control of the development by the County Planning Authority in the interest of highway safety and safeguarding the local environment</i>																
	Sheeting of vehicles																
21	All vehicles involved in the transport of mineral from the site shall be securely sheeted in such a manner as no material may be spilled on the public highway.																
	<i>Reason: In the interest of highway safety</i>																
	Hours of operation																
22	No quarrying or associated operations including transport of mineral from the site shall take place except between the following times: 0700 to 1800 hours Monday to Friday and 0700 to 1200 hours Saturday. No quarrying or associated operations shall take place on Sundays or Bank and Public Holidays.																
	<i>Reason: To ensure the appropriate control of the development by the County Planning Authority in the interest of the amenity of the local community.</i>																
	Noise																
23	All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment which shall be regularly maintained. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse warning alarm systems shall be deployed.																
	<i>Reason: In the interest of amenity</i>																
24	Noise levels due to site operations, including use of both fixed plant and mobile machinery, shall not exceed a level of 55 dB L _{Aeq} (1hour) at any occupied property but specifically at the following properties the levels shown below shall not be exceeded:																
	<table border="1"> <thead> <tr> <th>Location</th> <th>Proposed noise limit L_{A90,1h} dB(A)</th> </tr> </thead> <tbody> <tr> <td>North Parks Farm</td> <td>55</td> </tr> <tr> <td>High Green Cottage, North Stainley</td> <td>49</td> </tr> <tr> <td>Manor Farm</td> <td>45</td> </tr> <tr> <td>Bellflask House</td> <td>52</td> </tr> <tr> <td>Rushwood Lodge</td> <td>51</td> </tr> <tr> <td>Norton Mills</td> <td>46</td> </tr> <tr> <td>Keepers Lodge</td> <td>46</td> </tr> </tbody> </table>	Location	Proposed noise limit L _{A90,1h} dB(A)	North Parks Farm	55	High Green Cottage, North Stainley	49	Manor Farm	45	Bellflask House	52	Rushwood Lodge	51	Norton Mills	46	Keepers Lodge	46
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	<i>Reason: To reserve the rights of control of the County Planning Authority in the interest of the protection of the amenity of the local community and environment.</i>																
25	Notwithstanding the noise limits imposed within condition no. ## above, a temporary daytime noise limit of up to 70 dB(A) L _{Aeq,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.																
	<i>Reason: To reserve the rights of control of the County Planning Authority in the interest of the protection of the amenity of the local community and environment.</i>																
26	Within 6 months of the commencement of mineral extraction, details of a scheme for monitoring of noise emitted from the site shall be submitted to the County Planning Authority. Such scheme shall indicate the location of all monitoring stations, identify the L _{A90} levels at each station, incorporate as appropriate those stations and L _{A90} levels contained in the Environmental Statement and provide for monitoring to be carried out at the approved locations at 3 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. The scheme shall be the subject of review, resubmission and approval at 5 yearly intervals from the date of this decision																
	<i>Reason: To reserve the rights of control of the County Planning Authority in the interest of the protection of the amenity of the local community and environment.</i>																
27	In the event that the noise level specified in condition no. ## above is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps be taken to attenuate the noise level to be in compliance with the requirements of condition no. ##.																
	<i>Reason: In the interest of amenity</i>																

	Precautions to prevent generation of dust
28	Steps shall be taken to ensure that the site is operated at all times, and in particular during periods of high winds, to minimise dust emissions.
	<i>Reason: In the interest of amenity</i>
29	Dust control measures shall be employed to minimise the emission of dust from the site. Such measures shall include the spraying or other treatment of roadways, hard standings, stockpiles and vehicle circulation areas and the discontinuance if necessary of dust generating activities during periods of adverse weather conditions.
	<i>Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of minimising the adverse impact of dust generated by operations in the interests of the amenity of the local community.</i>
30	The development shall be undertaken in accordance with the Dust Management Action Plan submitted to the County Planning Authority under cover of e-mail dated 1 st August 2017 in line with the summary of dust control measures contained in Appendix C of the 'Assessment of Environmental Dust' report (ref. no. R11.6211/4/DW dated 7 th October 2011 prepared by Vibrock Limited)
	<i>Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of minimising the adverse impact of dust generated by operations in the interests of the amenity of the local community.</i>
	External lighting
31	All external lighting shall be maintained so as to prevent light pollution both in the immediate vicinity of the site and within the adjoining Ripon Parks Site of Special Scientific Interest (including the High Batts Nature Reserve) and shall strictly accord with details previously approved under planning permission #####.
	<i>Reason: To ensure the appropriate control of the development by the County Planning Authority both in the interest of the amenity of the local community and in the interest of protecting the nature conservation interest of adjoining land</i>
	Safeguarding soil resources, their treatment stripping, handling, storage & replacement
32	Prior to the removal of any overburden or the extraction of mineral from any part of the land which is the subject of this permission all available topsoil and subsoil shall be stripped and, when immediate placement is not possible, shall be stacked separately from each other for future spreading.
	<i>Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of restoration of the site</i>
33	Topsoil and subsoils shall only be stripped, moved, replaced or cultivated when they are in a dry, friable and unfrozen condition to avoid soil smearing and compaction. Soils shall not be moved whilst wet.
	<i>Reason: To ensure the appropriate control of the development by the County Planning Authority in safeguarding the interests of the soil resource of the site in the interests of achieving a proper and good standard of agricultural restoration.</i>
34	Topsoil and subsoil shall be stored separately from each other in accordance with the application details or in such other locations as shall first be approved in writing by the County Planning Authority. All soils shall be handled in accordance with the guidance set out in DEFRA's ' Good Practice Guide for Handling Soils ' (2000)
	<i>Reason: To ensure the appropriate control of the development by the County Planning Authority in safeguarding the interests of the soil resource of the site in the interests of achieving a proper and good standard of agricultural restoration.</i>
35	All topsoil and subsoils shall be retained for the subsequent use in restoration of the site.
	<i>Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of restoration of the site</i>
36	During soil movement and handling operations, machinery shall be routed to avoid the compaction of soils.
	<i>Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of restoration of the site</i>
37	All undisturbed areas of the site and all topsoil, subsoil and overburden mounds shall be kept free from agricultural weeds and such measures as may be necessary shall be taken to control plant growth and prevent the production of seed and subsequent spread of agricultural weeds onto adjoining land.
	<i>Reason: In the interests of safeguarding agricultural land</i>
38	From the commencement of development until completion of aftercare, the operator shall maintain and make stockproof the perimeter hedges, fences and walls. Where the site boundary does not

	coincide with an existing hedge, fence or wall, the operator shall provide and maintain stockproof fencing until completion of aftercare.
	<i>Reason: In the interests of safeguarding agricultural land.</i>
	Landscape & restoration
39	Within three months of the date of this permission, details of advance landscaping shall be submitted to the County Planning Authority for its written approval. Such details shall include the location of planting, the species to be planted and the size, spacing and maintenance of such planting. Thereafter landscaping of the site shall be carried out in accordance with the approved scheme.
	<i>Reason: In the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.</i>
40	Notwithstanding the requirements of condition no. ## above, advance landscape works including that shown on plan entitled 'Site Establishment & Phase 1 Working' (drwg ref no U9h/197 rev. F, dated September 2016) or subsequent approved revision; <i>Bridleway Crossing Detail</i> (drwg ref no U9h/214 rev B dated October 2011); <i>Planting Overview</i> (drwg ref no 009-13-d3 dated 02/08/2016); <i>Planting Details</i> (drwg ref no 009-13-d4 dated 02/08/2016) and <i>Habitat Management Plan</i> (dated November 2016) or subsequent approved revision shall be undertaken in the first planting season after the commencement of development.
	<i>Reason: In the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.</i>
41	Landscape and restoration works shall take place on a phased and progressive basis in accordance with the approved planning application details (including the approved Phasing and Restoration Plans or as subsequently revised): <i>Restoration Plan and Habitat Management Area</i> (drwg ref no 009-13-d2A dated 10/11/2016); <i>Planting Overview</i> (drwg ref no 009-13-d3, dated 02/08/2016) and <i>Planting Details</i> (drwg ref no 009-13-d4, dated 02/08/2016) and other detailed plans and documents that may be subsequently approved in writing by the County Planning Authority. Any tree/shrub planted or habitat created in accordance with the approved schemes which dies or becomes diseased within five years of the date of planting or creation shall be replaced or recreated to the satisfaction of the County Planning Authority.
	<i>Reason: In the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.</i>
42	On an annual basis, commencing the first October from commencement of the development (or at such other time as may be agreed in writing by the County Planning Authority), a review of the previous year's working, landscape mitigation and restoration works and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The annual review and report will include a schedule of work undertaken during the previous 12 months, the results of monitoring and the development of habitats. It shall take account of any departure from the approved scheme, and revised schemes shall be submitted to the County Planning Authority for approval and shall provide for the taking of such steps as may be necessary to continue the satisfactory phased working, mitigation and restoration and aftercare of the site. Thereafter, all such works shall be carried out in accordance with the approved scheme within such period as may be approved in writing by the County Planning Authority
	<i>Reason: In the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.</i>
43	On an annual basis, commencing the first October from commencement of the development (or at such other time as may be agreed in writing by the County Planning Authority), full details of the restoration, landscaping and planting to be implemented during the following 12 month period shall be submitted to the County Planning Authority for its written approval. These details shall include information relating to soil and overburden movements, ground preparation, fencing, tree, shrub and reed bed planting (including types, sizes, numbers and species), protection of plants and management and maintenance of existing and new planting. Thereafter, all restoration, landscaping and planting shall take place in accordance with the approved details and in accordance with a timetable to be included within those details, or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.
	<i>Reason: To reserve the rights of control and in the interests of the environment and amenity</i>
44	Within 12 months of the completion of the mineral extraction hereby permitted, all fixed and mobile plant, buildings, stockpiles and infrastructure shall be removed and the whole of the site shall be restored in accordance with the submitted details and the requirements of this Decision Notice.
	<i>Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity.</i>

	'Aftercare'
45	Within six months of the completion of extraction from each phase an 'Aftercare Scheme' requiring such steps as may be necessary to bring each phase of the land reclaimed under the above conditions to the <i>required standard</i> of the identified after-uses shall be submitted to and approved by the County Planning Authority. Thereafter, aftercare shall be carried out in accordance with the approved schemes and the approved <i>Habitat Management Plan</i> . On completion of the extraction operations hereby permitted, the site as a whole shall be subject to an after-care period of five years, the details of which shall have been subject to a written submission to the County Planning Authority for its approval. Thereafter, the land shall be managed in accordance with the approved <i>After-care Scheme</i> and <i>Habitat Management Plan</i>
	<i>Reason: In order to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended) and to ensure restoration of the land to the standard required for agriculture and amenity purposes and in the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.</i>
46	An agricultural aftercare scheme outline strategy shall be submitted for the written approval of the County Planning Authority within 12 months of the date of the planning permission. This strategy shall outline the steps to be taken, and the period during which they are to be taken, to bring the land to the <i>required standard</i> so that the physical characteristics are restored, as far as it is practicable to do so, to what they were when the land was last used for agriculture and as described in the statement of physical characteristics contained in the application details. The aftercare scheme shall include provision for a field drainage system and an annual meeting. Aftercare shall be carried out for a period of 5 years in accordance with a detailed programme required to be agreed under the terms of condition no. ## below.
	<i>Reason: To ensure satisfactory restoration and beneficial afteruse of the site.</i>
47	Before 30 September of every year during the aftercare period the mineral operator shall provide the County Planning Authority with a detailed annual programme for approval including details of:- a) proposals for managing the land in accordance with the principles of good husbandry including planting, cultivation, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months; and b) a record of aftercare operations carried out on the land during the previous 12 months.
	<i>Reason: To ensure satisfactory restoration and beneficial afteruse of the site.</i>
48	A detailed scheme of aftercare for those parts of the site to be restored to amenity uses (including nature conservation) shall be submitted for the written approval of the County Planning Authority within 12 months of the date of this permission and such scheme shall include details of the phasing of aftercare, the maintenance and management of vegetation; the creation, management and protection of habitats and the maintenance and management of areas to be used for recreational purposes and thereafter the approved scheme shall be implemented for a period of five years from the completion of restoration in each relevant phase.
	<i>Reason: To ensure satisfactory restoration and beneficial afteruse of the site.</i>
	Archaeology
49	No development shall take place except than in accordance with the <i>Written Scheme of Investigation for an Archaeological Watching Brief</i> (ASWYAS, May 2017) submitted to and approved under cover of e-mail by the County Planning Authority's Principal Archaeologist on 6 th June 2017. No change shall be made to the <i>Written Scheme of Investigation</i> referred to in this condition without the prior written approval of the County Planning Authority.
	<i>Reason: In order to enable the investigation, identification, full recording, understanding and, where necessary, safeguarding of the archaeological interests that may potentially exist and to determine the nature, significance and extent of any archaeological deposits.</i>
	Abandonment
50	In the event that mineral extraction ceases on site for a period in excess of 12 months before the completion of the development, a revised scheme of interim restoration and landscape works shall be submitted to the County Planning Authority for approval within 14 months of the cessation of extraction. The approved scheme shall be implemented in accordance with the programme to be included in that scheme.
	<i>Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity and to secure the proper restoration of the site.</i>
	Site monitoring

51	At a frequency of no less than annually from the date of this permission, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. Such a review shall include all interested parties and technical advisers as required.
	<i>Reason: In order to reserve the rights of control of the County Planning Authority to ensure restoration of the land with the minimum of delay and to secure an orderly and progressive pattern of working of the site.</i>
	Record of Decision
52	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.
	<i>Reason: To ensure that site personnel are aware of the terms of the planning permission.</i>

Environmental Information Statement:

In determining this application, pursuant to Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the County Planning Authority considers the Environmental Statement, including the further and other information submitted by the applicant, includes such information as is reasonably required to assess the environmental effects of the development and which the applicant could be reasonably required to compile, and has taken into account the environmental information relating to this application, namely the Environmental Statement, including further and other information submitted by the applicant, and duly made representations about the environmental effects of the development.

Informatives

Recommended by the Environment Agency on 24th January 2012

Groundwater Protection:

The applicant should be made aware that if any oil, chemical, or hazardous materials are to be stored on site they should be stored in accordance with relevant regulations and guidance.

The Environmental Permitting (England & Wales) Regulations 2010 (Regulation 38(1)) makes it an offence to cause or knowingly permit a discharge of a pollutant that might lead to its direct or indirect input into groundwater except under and to the extent authorised by an environmental permit or an exemption as provided for in the Regulations.

Applicants should be aware that if any controlled waste is to be used on the site the operator will need to obtain the appropriate authorisation from us. We are unable at this time to specify what exactly would be required due to the limited amount of information provided.

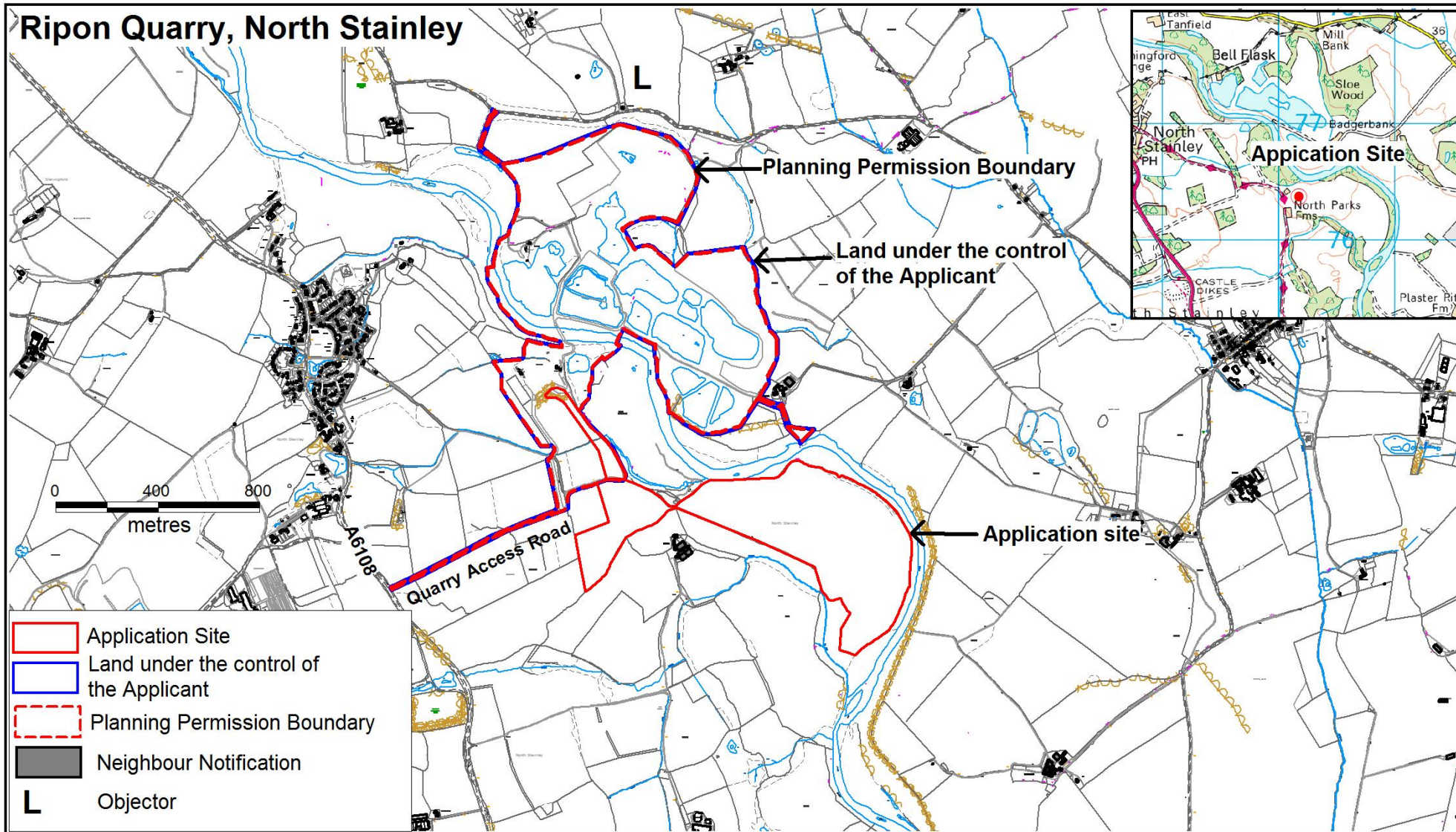
If the operator wishes more specific advice they will need to us using the details provided, or look at available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste> .

Flood Risk:

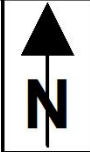
The Environment Agency has commented on the Water Resources licences for this site relating to the discharge of flood water from the site back into the river at QMEC. Surface water from the site will also be attenuated via the settling ponds. Therefore the Agency has no flood risk objections to the proposal.

It is the Applicant's responsibility to ensure they do not increase flood risk to others. Once this site is restored it should provide additional flood storage for the River Ure catchment.

In addition to Planning Permission, under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Ure, designated a 'main river'.



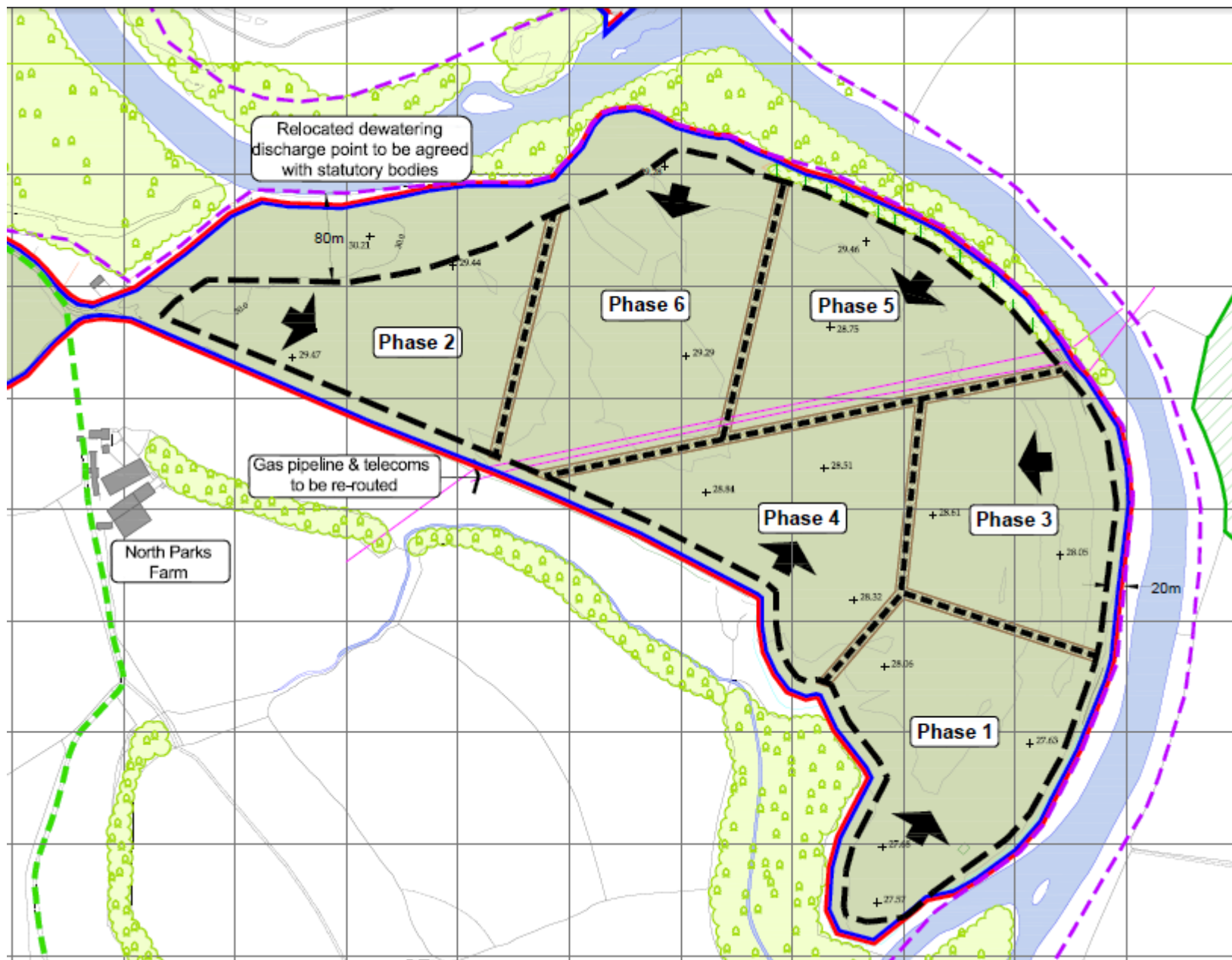
Application No : C6/500/95/D/CMA



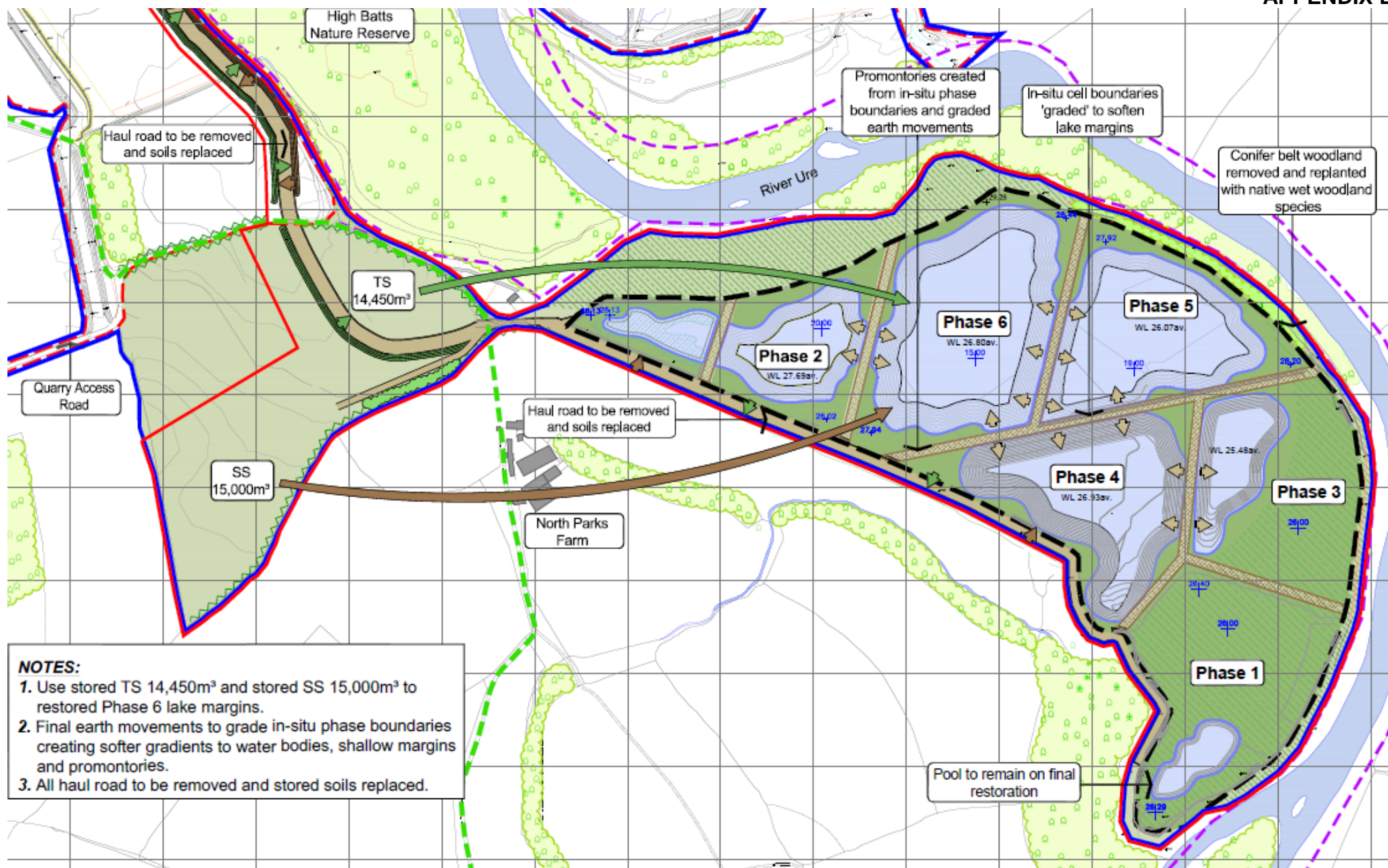
Business & Environmental Services,
North Yorkshire
County Council
County Hall, Northallerton,
North Yorkshire. DL7 8AH

Title: Extension to existing sand and gravel workings at Ripon Quarry, North Stainley, Ripon

Scale :
Date : Aug 2017
Filename : Ripon Quarry
Compilation & Analysis : VP/JB



Extract from application plan '[sequence and direction of working](#)' (drwg no. U9h/196 Rev F, dated August 2016)



- NOTES:**
1. Use stored TS 14,450m³ and stored SS 15,000m³ to restored Phase 6 lake margins.
 2. Final earth movements to grade in-situ phase boundaries creating softer gradients to water bodies, shallow margins and promontories.
 3. All haul road to be removed and stored soils replaced.

Extract from 'Final Restoration & Earth Movements' Plan (drwg no. U9h/204, Rev H)