

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**29 August 2017**

**C8/45/13AL/PA– Planning application for the purposes of the 8 hectare extension to the existing limestone quarry into area 5 & 6 from the current working area 4 and east in area 7 to 20 metre AOD to provide 4.4 million tonnes of limestone and restore the site with engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face on land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU on behalf of Went Valley Aggregates and Recycling Limited (Selby District) (Osgoldcross Electoral Division)**

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

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the 8 hectare extension to the existing limestone quarry into Area 5 & 6 from the current working Area 4 and east in Area 7 to 20 metres AOD to provide 4.4 million tonnes of limestone and restore the site with engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face on land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU on behalf of Went Valley Aggregates and Recycling Limited.
- 1.2 This application is subject to 95 objections having been raised by members of the public in respect of this proposal (summarised in paragraph 5.5 of this report) and objections from Kirk Smeaton & Little Smeaton Parish Councils (summarised in paragraphs 4.11 & 4.12 of this report) and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 Went Edge Quarry (also known as Kirk Smeaton or Smeaton Limeworks), was originally granted consent for minerals extraction in 1947 and was intermittently worked for magnesian limestone until the 1990s. It became fully active from 1993. The existing quarry is approximately 10.85 hectares and is located between the villages of Wentbridge (about 1 kilometre to the west) and Kirk Smeaton (about 1.3 kilometres to the east). The current permitted output of the quarry is a maximum of 4000 tonnes per day; however, the applicant has confirmed the average daily output is approximately 2500 tonnes per day. The quarry have extracted the permitted mineral from Area 4 (Planning Permission ref. C8/45/13AJ/PA, dated 30 September 2015) and it is acknowledged that mineral extraction to the south and west of Area 4 into Area 5 (approximately 95% of Area 5) has taken place whilst this application has been under consideration. It is anticipated that should planning permission be granted, preparations for extraction in Area 6 would start immediately. A plan showing Areas 5 & 6 is attached to this report (see Appendix A).

- 2.2 The nearest residential properties are to the north of the River Went Valley and are located on Jackson Lane and in Brockadale Plantation, approximately 250 metres to the north and west of the existing site boundary to the quarry and approximately 400 metres from the nearest point of the current application site. There are also a number of businesses that operate from the base of the quarry (Smeaton Industrial Estate) including container storage and a stone-cutting shed.
- 2.3 The site is accessed via a haul road into the quarry from Went Edge Road that runs between Wentbridge and Kirk Smeaton with a connection to the southbound carriageway of the A1. The access to the A1 northbound is obtained via Wentbridge and the B6474, or via a minor road connection just to the south of Wentbridge.
- 2.4 The application site is bordered to the south by the public highway known as Went Edge Road, with a further area of agricultural land to the east and west. The application site is bordered to the north by past and current mineral extraction areas. To the immediate north of the quarry site is the Brockadale Site of Special Scientific Interest (SSSI). A footpath (Public Right of Way path number: 35.43/9/2) meets the north side of Went Edge Road at the south-west corner of the Area 6 part of the application area. That footpath heads north-west away from the application site towards the Went valley through the Brockadale SSSI and SINC sites near the A1 Wentbridge viaduct.
- 2.5 Brockadale SSSI comprises a narrow, steep-sided valley of the River Went, which cuts through the magnesian limestone strata to the north of the quarry. The valley slopes include occasional outcrops and crags which are for the most part wooded, but there are also areas of limestone grassland. The SSSI overlaps the northern edge of the quarry Interim Development Order (IDO) area and also adjoins the eastern side of the quarry as shown on the accompanying plan. The site is also within land designated as Green Belt and is in a Locally Important Landscape Area designated under the Selby District Local Plan.
- 2.6 The proposed extension areas are currently arable land, comprising of approximately 6.1 hectares of the total area of 8 hectares is Grade 2 best and most versatile agricultural land.
- 2.7 The landscape to the south of the quarry is classified as the 'West Selby Limestone Ridge' and is characterised by its rolling ridge landform with shallow valleys with long views over arable farmland and low cut hedgerows, often with gaps. The application site is within the Southern Magnesian Limestone Locally Important Landscape Area. To the north of the quarry is the Went Valley Gorge which has steep broad-leaf wooded sides. There is a long history of limestone extraction from this area, which itself has had an influence on the landscape character.
- 2.8 A plan showing the application site is attached to this report.

#### Planning History

- 2.9 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- 2.10 Planning permission was granted for a 1.3 hectare extension to the quarry in 2002 (reference: C8/45/13P/PA) to extract 500,000 tonnes of limestone until 31 July 2010 (Area 2) this was subsequently implemented. In July 2003 planning permission (reference: C8/45/98/PA) was granted for the extraction of 140,000 tonnes of limestone until 22 July 2004 with a view to stabilising the north-eastern side of the quarry.

- 2.11 A separate planning application to work 1.2 hectares in 2 areas within the quarry to address slope stability problems to the north and south of the IDO permission area was granted planning permission in 2006 (reference: C8/45/13V/PA), this permission was granted and implemented. At the same time a separate application to extend the quarry to the south of Area 2 was refused planning permission (reference: C8/45/13W/PA). The application was refused planning permission in 2006 due to the then considered cumulative impact of the proposed workings in conjunction with the works approved under planning ref. C8/45/13V/PA and also because the site was neither a Preferred Area nor an Area of Search in the adopted North Yorkshire Minerals Local Plan (NYMLP). In addition, it was considered that the mitigation measures proposed by the applicant to limit the impact of the proposed development on the environment and residential amenity were insufficient.
- 2.12 In May 2006 a planning application was submitted (reference: C8/45/13XPA) by Meakin Properties for a waste transfer and recycling building within the Smeaton Industrial Estate. This application was subsequently refused. In 2010 an application for a waste transfer station at the site was submitted to Selby District Council. The County Council were consulted on this planning application and advised that the application should fall to the County Council to determine. However, notwithstanding, planning permission was subsequently granted by Selby District Council on the 25 June 2010 (ref. C8/45/13Z/PA) for the waste transfer station to be located within the quarry. As of February 2017, site visits confirm that Waste Transfer operations are conducted at the base of the quarry, in the void created by previous extraction operations.
- 2.13 In 2010, Meakin Properties submitted a Periodic Review of Minerals Permission (ROMP) for the old IDO permission area (reference: NY/2010/0317/MRP), which was last reviewed in 1995. This review covered the existing quarry void (at the date of the application) and the original location of the Smeaton Industrial Estate as the original IDO (Interim Development Order) consent included for extraction the land under which the estate was located. The decision relating to this ROMP application was issued on 26 January 2017.
- 2.14 Also in 2010, Meakin Properties submitted a planning application (reference: C8/45/13AE/PA) for a 1.2 hectare eastern extension (known as Area 3) to extract 500,000 tonnes of limestone until 25 July 2023. The material was proposed to be extracted via periodic blasting and would be processed through existing plant located at the site. In some cases, the limestone, where its quality allowed, was proposed to be used for building stone. In this case, the stone would be cut and finished on site, within the applicant's stone cutting shed. This proposal was granted on 25 July 2013.
- 2.15 In 2014, Meakin Properties submitted a planning application to vary conditions 7 and 13 of planning permission C8/45/13AE/PA relating to the approved depth of extraction (to 20 metres AOD) and the hours of working (permitting operations between 0700 to 1900 Monday to Friday and 0700 to 1300 on Saturdays. Saturday afternoon and Sunday's were proposed for servicing and repair of quarry equipment and there were to be no working on Bank Holidays). This application was granted permission (ref: C8/2014/1283/CPO) upon the completion of a Section 106 Legal Agreement (relating to aftercare) on 30 September 2015. Mineral extraction is permitted until 30 September 2023 in relation to the above permission.
- 2.16 Also in 2014, there was a separate planning application submitted for Went Edge Quarry (ref. C8/45/13AJ/PA). The application was for a further extension to existing workings totalling 1.43 hectares in size (known as Area 4). This application was granted permission (ref: C8/45/13AJ/PA), and the permission was issued upon the completion of a Section 106 Legal Agreement (for restoration, aftercare and

highways matters relating to the provision of additional signage in the vicinity of the junction of the Went Edge Quarry site entrance and Went Edge Road, the installation of drainage grips in the vicinity of the junction of Went Edge Quarry site entrance and Went Edge Road and the repainting or replacement of the road markings in the vicinity of the junction of Went Edge Quarry site entrance and Went Edge Road) on 30 September 2015. Mineral extraction was granted until 30 September 2023 in relation to the above permission.

- 2.17 The site is monitored by the County Council's Monitoring & Compliance Officer, and the most recent visit took place in February 2017. The site monitoring report indicates the following outstanding matters:
- 2.18 Planning Permission ref. C8/45/13AJ/PA, dated 30 September 2015 in relation to the most recent Planning Permission granted for Area 4 (however, it should be noted at time of writing this report the extraction of this area is complete):-
- Condition 8 (Blast monitoring) – The site operator is yet to discharge this condition by way of submission of a blast monitoring scheme (prior to commencement of extraction).
  - Condition 14 (Highways – dust etc.) - The site operator is yet to discharge this condition by way of submission of a scheme for control of dust, debris etc. (prior to commencement of extraction).
  - Condition 21 (Archaeological WSI) - The site operator is yet to discharge this condition by way of submission of a written scheme of investigation (prior to commencement of extraction).
- 2.19 A further outstanding matter is that of the unauthorised relocation of the industrial units and buildings, which are being used in relation to the waste transfer station. The buildings have been moved down into the floor of the quarry. The operator/agent have stated that the intention is to regularise the development with the submission of a retrospective planning application to the County Planning Authority, which is yet to be received however, the agent has indicated this would be submitted within the next 6 months.
- 2.20 In the past 12 months there have been a total of 5 complaints (3 resolved and 2 unresolved) from members of the public in relation to highways safety, unauthorised mineral extraction (seeking to be regularised by this application) and the relocation of industrial building to quarry floor.

### **3.0 The proposal**

- 3.1 Planning permission is sought for the 8 hectare extension to the existing limestone quarry into Area 5 and into Area 7 from the west and east sides of Area 4 respectively and into land on the west side of the quarry access (Area 6) to 20 metres AOD to provide 4.4 million tonnes of limestone and restore Areas 5 & 7 with engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face, in addition Area 6 would be restored to original ground levels using quarry waste and imported inert waste, on land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU on behalf of Went Valley Aggregates and Recycling Limited. The application is accompanied by an Environmental Statement covering the following topics: socio economic matters; transport assessment; air quality; noise & vibration; hydrology & hydrogeology; ground conditions; ecology; landscape and visual impact; archaeology; and agricultural land classification.

3.2 The proposed extensions total an 8 hectare area which has been identified by the applicant as a viable limestone extraction resource. The proposal is a 4.3 hectare extension (Area 5) to the existing Area 4 of the quarry. The application would also include a 1.8 hectare extension into Area 6 to the west of the site and 1.9 hectares into Area 7 to the east of the site. The applicant has noted that this would represent an approximate 73% increase in the total area of the existing quarry, which would be extended from 10.85 hectares to 18.85 hectares. The majority of the application site is presently agricultural fields, classified as Grade 2 under the Agricultural Land Classification, utilised as arable land. Following the past grant of planning consents at the site, the land to the south of the site (Area 4) has been worked for the extraction of limestone. Through past and current mineral workings at the site, the applicant has identified that the bottom bed of limestone is suitable for use as building stone, which can be turned into a wide range of products for such purposes. In contrast, the limestone beds above can be used for aggregate, a dust for lime stabilisation, constituent washed sand for concrete block making and agricultural uses on the land. It is proposed to work Areas 5, 6 and 7 down to a level of 20 metres AOD or the base of the limestone, in line with the previous worked areas of the quarry. The applicant has confirmed that the block beds for building stone are in the bottom bed between 40 metres AOD and 20 metres AOD. The surface of the quarry is at 55 metres AOD.

#### Soil Stripping

3.3 The applicant has confirmed that for the application site (Areas 5, 6 & 7), the top soil will be excavated using hydraulic excavators and dumpers to remove the soil (approximately 240 millimetres) and place this on a designated area towards the south side of the site to be used as screening. The subsoil (between approximately 300 to 500 millimetres) and clay will be removed down to the underlying cream limestone rock head and would also be retained on site for screening. The soils will be stored, on the western and southern side of the extension Area 5 to screen the working alongside the access road and adjacent to Went Edge Road. The screening bund on the eastern side of Area 3 where the existing soil store is located, would be relocated to the boundary of Area 7 and shaped up. The soil bund would be 2.5 metres in height and would have slopes of 1 in 2 on the outer edges and 1 in 1.5 on the inner slope. The soil bunds would also be extended to the east from the south east corner of Area 3 to provide further screening. The current soil stores are shown in Plan 3 Ref. WEQ/16-03, dated July 2016 attached to this report. (Appendix E).

#### Limestone Extraction

3.4 The applicant has confirmed that the proposed development (Area 5, 6 & 7) would have a working depth, down to 20 metres AOD in line with the levels currently permitted in the existing quarry. The limestone will be removed by ripping the top bed of limestone with a bulldozer and then loading with an excavator into a dumper to deliver the next bench level. The limestone will then be cast down to the processing plant on the floor of the quarry. During the excavation the faces will be cut back to the joint set or the blasted rock face and benches will be laid out that are large enough for the machines to operate in a safe manner (usually 12 metres wide with a side protection barrier of 1.8 metres high made of boulders and covered with limestone dust). The final face profile will be between 12 and 15 metres high and will be scaled down as the excavator loads the loose rock off the pile down to the bench level.

- 3.5 The lower two faces, 6 metres below the surface to the base of the quarry, will be blasted the full section to 26 metres AOD after being loaded with a truck mounted measured batch plant for the Ammonium Nitrate Fuel Oil mix (industrial explosive). It is anticipated that there would be a blast undertaken approximately 2 or 3 times per week and that the blast times would be either midday or 3 p.m. All blasts in relation to Area 5 & 6 and 7 would be monitored through the use of a vibrograph on the western boundary of the site. The applicant has confirmed that the faces can be cut back vertical for the full section of limestone ensuring the maximum amount is recovered from the quarry. The applicant has also confirmed that the angle of the face that can be achieved in limestone can be 85 degrees from the horizontal or to the joint set.
- 3.6 The applicant has confirmed that groundwater is unlikely to seep into the workings from rainwater percolating through the strata as the site is above the water table and the water runs off the land to the water courses or increases the moisture content in the soil. Once the limestone is exposed the water percolates through the joint sets of the limestone and falls to the base of the limestone deposit and issues in the side of Brockdale plantation where the marl meets the coal measures mudstone below. The quarry floor at 20 metres AOD is dry and there has never been any ponded groundwater in the quarry workings. The quarry floor will be backfilled with limestone dust after the building stone is removed and compacted to provide a sub base for future development. This is a sustainable use of resources as the building stone does not have to be left in the floor of the quarry as a sub base as the limestone dust, which is in excess of the sales that can be achieved, can be used in the floor to replace the building stone.
- 3.7 The beds of limestone are in 3 distinct horizons with the top bed being weathered for the first 2 metres and then 4 metres of broken disturbed limestone to a competent bed below where the joint sets are not as dilated and larger blocks exist. Beneath that horizon is the un-weathered cream limestone with thicker bedding and widely spaced joint sets that provide the potential for building stone.
- 3.8 It is proposed that 2,200,000 cubic metres of limestone would be extracted, which equates to approximately 4.4 million tonnes, over a period of 8 years, equating to an approximately yearly output of 550,000 tonnes.
- 3.9 The agent has confirmed the proposed extensions are in relation to the second phase of the long term plan for the Quarry (first phase was the previously granted Area 4 and phases 1 to 4). The proposed quarry extensions would be extracted in a phased approach with Area 5 being extracted in four phases (phases 5 to 8) working in a westerly direction. Area 6 would be extracted in one phase (phase 9) working in a southerly direction. Area 7 would then be extracted in three phases (phases 10 to 12) working in northern direction. The development would involve 25,000 tonnes of topsoil and 3,500 tonnes of subsoil being stripped and temporarily stored as part of the screening bunds along the perimeter of the site. In addition, approximately 20% of the quarried limestone will be dust that will be stockpiled in the land to the north in the base of the application site. The stockpile would then be washed for grit sand, with the remainder sold for bulk fill, concrete block manufacturing, agricultural lime, or used to base line the application site as stated in paragraph 3.6.
- 3.10 The area of the floor of the quarry will be maintained so that the mineral operations such as washing aggregate and bagging can be accommodated. Limestone fines would be placed against the quarry faces for a period before being sold. When the final restoration of Areas 5 and 7 are undertaken limestone fines and any soil making material will be placed against the faces to provide a slope from the floor to the lowest bench. The proposed restoration of Area 6 is explained in paragraph 3.29.

Working Hours

- 3.11 The applicant has confirmed that the proposed hours of mineral extraction would mirror that of the existing extant planning consents and operations at the site which include:  
07:00 – 19:00hrs Monday to Friday;  
07:00 – 13:00hrs Saturdays  
No mineral working on Sundays and Bank (or Public) holidays.
- 3.12 The applicant has noted that any operations on Saturday afternoon and Sundays would only involve the servicing and repair to the sites machinery as and when required. Although there would be no working on Bank Holidays, the applicant has requested that if prior written permission is sought, emergency works to the plant/quarry equipment could be carried out if required.
- 3.13 The applicant has confirmed that the working duration would be 5 to 8 years, including set up and landscaping of the soil mounds, however it is acknowledged that the rate of output is depended on the construction market.

Noise

- 3.14 The applicant undertook a noise assessment as part of the Environmental Statement submitted in support of this application. The noise assessment considered the impact of the development upon the nearest sensitive receptors, being properties on Jacksons Lane, 'Went Edge Farm' and the residential properties in Kirk Smeaton (predicted noise levels as seen below):

Jackson Lane	33-35 dBA (dB LAeq 1-hour)
Went Edge Farm	34-37 dBA (dB LAeq 1-hour)
Kirk Smeaton	30-32 dBA (dB LAeq 1-hour)

- 3.15 The survey stated that the *'background sound levels have been measured at these receptors at 35-39 dB LA90 during a weekday afternoon and at 36-43 dB LA90 on a Saturday morning.'* The report also confirmed that *'all background sound measurements were taken when there was no audible sound from the existing quarry operations.'*
- 3.16 The original survey found that *'the predicted sound levels thereby comply with current guidance on noise from minerals excavation and surface workings quantified in the 'Planning Practice Guidance' to the NPPF which is that they should not exceed the existing background sound levels by more than 10 dBA at any dwelling at any time.'*
- 3.17 However, following consultation with Selby District Council's Environmental Health Officer, a further Noise Impact Assessment and a Limestone Blasting Report were undertaken and submitted in support of this application to take into account the residential property of 'The Cottage' (predicted noise levels shown below in table):

Jackson Lane	32-34 dBA (dB LAeq 1-hour)
The Cottage	29-43 dBA (dB LAeq 1-hour)
Went Edge Farm	26-33 dBA (dB LAeq 1-hour)
Kirk Smeaton	20-25 dBA (dB LAeq 1-hour)

- 3.18 The *'background sound levels have been measured at these receptors at 35-39 dB LA90 during two weekdays and at 36-43 dB LA90 on a Saturday morning.'* The report again confirmed that *'all background sound measurements were taken when there was no audible sound from the existing quarry operations.'*

- 3.19 The Noise Impact Assessment concluded that *'the sound levels from the proposed quarry extension as reaching the nearest dwellings are predicted to be below the existing background sound levels at all times, with the exception of at The Cottage where the sound level from the nearest extension (Area 7) is predicted 7 dBA above the background.'* In terms of the Limestone Blasting Report, the report concluded that *'all the monitoring records shows that the quarry blasting complies with the limit of 6mm/s for 95% of the blasts and is always below that level and between 1 and 3 mm/s. Air overpressure has been measured at 105 and 113 dB at the boundaries of the site and is below the levels that would cause rattling windows or chinking crockery of 150 dB.'*

#### Air Quality

- 3.20 A Dust and Air Quality Assessment was undertaken and submitted in support of this application. The assessment concluded that the without mitigation, dust impacts could occur when conditions are such that the risk of dust propagation is increased, such as periods of dry and windy weather. As such, mitigation was recommended which included:
- general good management of the site;
  - use of clean water for dust suppression, to avoid re-circulating fine material;
  - high standards of house-keeping to minimise track-out and wind-blown dust;
  - a preventative maintenance programme, including readily available spares, to ensure the efficient operation of plant and equipment, and
  - effective staff training in respect of the causes and prevention of dust.

- 3.21 The assessment concludes that *'the proposed activities at Went Edge Quarry, Kirk Smeaton, could be operated in a manner unlikely to cause adverse dust impacts in its vicinity.'*

#### Hydrology

- 3.22 An assessment of the impacts of the development upon hydrology and hydrogeology was undertaken by the applicant and included as part of the Environmental Statement submitted in support of the application. The study concluded that the likely effects of the quarry are not a potential risk to the nearby River Went. The water table in the strata beneath the quarry is below the level of the River Went which is at 19 metres AOD and flows east through Brockadale Plantation.

#### Traffic Impact

- 3.23 An assessment of the impacts of the development upon the public highway was undertaken by the applicant and included as part of the Environmental Statement submitted in support of the application. The assessment confirms that improvements to the site access and its junction with Went Edge Road have been carried out to appropriate standards and the Area 3 permission (ref. C8/45/13AE/PA, dated 25 July 2013) for the site. The road works scheme was also completed for the Area 4 permission (ref. C8/45/13AJ/PA, dated 30 September 2015). There are no proposed changes to the operating hours or HGV movements in relation to the quarry and the proposed development. The applicant has confirmed there are approximately 100 HGV vehicle movements entering the site and 100 HGV vehicle movements leaving the site on a daily basis, both with a permitted maximum of 110 (a total of 220 HGV movements). The existing wheel washing facilities are proposed to remain on site and be used in relation to this application.



- 3.24 In conclusion, the assessment indicates that the proposed extensions to the quarry will have no greater impact upon the public highway as the extensions will be extracted in a progressive manner and no two areas would be worked simultaneously. Therefore the report considers that due to the established use for the quarry and industrial estate due to there is no proposed increase to vehicle numbers or operational hours in relation to the quarry.

#### Employment

- 3.25 Within the environmental statement the agent has confirmed the quarry extension would safeguard 14 full-time jobs and help safeguard allied jobs in haulage and support services. The environmental statement also states that *'due to the investment in plant and machinery there will be more employees at the quarry'* should the proposed development be granted planning permission.

#### Restoration

- 3.26 A detailed restoration scheme for the site has been provided. The scheme is for progressive restoration of the entire site, which is proposed for completion by 1 January 2030. The restoration of each area is proposed in a progressive manner once the mineral from each area (5, 6 & 7) has been extracted. The scheme is intended to secure a low-level restoration of the land to the east of the site access (Areas 5 & 7) by re-creating many of the features of a magnesian limestone valley, similar to that of Went Valley. The scheme is essentially the same as that approved under planning permission C8/45/13AJ/PA, dated 30 September 2015, but extended to cover a wider area (with the exception of Area 6).
- 3.27 The proposed scheme includes the retention of rock faces and the step and bench form of the quarry sides, with scree slopes created against their bases by the deposition of quarry wastes. The slopes will vary from vertical to 1 in 3. A level area at the base of the quarry will be retained. Minor irregularities due to the rock strata will be retained and others created within the spreading of waste fines over the base. The area will be seeded with a seed mix reflecting the magnesian limestone grassland of Brockdale Nature Reserve to extend this important local habitat. On some of the benches trees and shrubs will be planted to reflect the wooded limestone slopes of the area. Beyond the quarry void, hedgerows will be reinstated and extended and a strip of woodland planted along Went Edge Road to strengthen the structure and condition of the landscape pattern of large rolling fields with occasional blocks of woodland.
- 3.28 The Restoration Proposals Plan (ref: M/WE/275/10) (appendix I) indicates that the industrial units have been relocated to base of the quarry. The relocating of the industrial units is not part of this application and would need to be regularised by a separate retrospective planning application. Therefore, the area of the restoration proposals labelled as 're-located industrial units' is to be considered an indicative illustration of the long-term aspirations of the developer and the restoration of the area currently would be to a magnesian limestone grassland in accordance with the principles of the wider scheme for the site.
- 3.29 The proposed restoration for Area 6, would be to backfill the quarried area with quarry wastes arising from the working of the quarried stone and inert waste and return the land to pre extraction levels. The total tonnage of inert material is 550,000 tonnes (over a 5 year period after completion of extraction) which it is proposed to be imported waste material from excavation waste and construction contracts within a 25 mile radius of the quarry. It is intended that Area 6 is returned to agriculture, as Grade 3a agricultural land within a framework of hedgerows and woodland.

- 3.30 A 10 year aftercare period is proposed (5 year statutory period and an additional 5 years to be secured by a Section 106 Agreement). In September each year an assessment will be made of the vegetation, both introduced and naturally regenerated, to decide on specific management operations for the following year. This will provide the opportunity to identify any natural regeneration, and decide on whether and how these are to be encouraged and managed. The responsibility for implementing the Aftercare and Management Plan will lie with the applicant who is also the landowner. It is noted that possibilities may exist to work with the Yorkshire Wildlife Trust or a similar local group to manage the site in conjunction with the Brockadale Nature Reserve.
- 3.31 The applicant has confirmed that the site will be reviewed regularly to monitor its progress and an annual report will be produced outlining the progress towards the objectives and providing a detailed maintenance schedule for the following year.

#### **4.0 Consultations**

On 29 November 2016 the application details were sent to the Secretary of State, via the National Planning Casework Unit, in line with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, Part 5, Section 16(2). This application has not been subsequently called-in by the Secretary of State. The consultee responses summarised within this section of the report relate to responses to consultation undertaken on 9 December 2016 and the subsequent re-consultation on 8 March 2017 following the receipt of further/amended information comprising a Noise Impact Assessment and Limestone Blasting Report with appendices (dated February 2017).

- 4.1 **Selby District Council (Planning)** – Responded on 8 March 2017 commenting that *‘it is noted that the application site is located within the Green Belt and Locally Important Landscape Area and as such the Council would request that local and national policies are taken into account in determining the application. It is noted from visiting the site that earth bunds and landscaping are already in place which mitigate the visual impacts to some degree, however the Council would defer to the County Council’s Landscape Architect with respect to visual/landscape impacts and for any suggestions in respect of potential landscaping opportunities. In addition the Council would suggest that appropriate provisions should be put in place to ensure that a scheme for restoration of the site is secured and would welcome the enhancement of the area being included within such a scheme.’*

- 4.1.1 *‘The applicants state that there is no increase in vehicle movements beyond those recorded in June 2016 and it is stated that the vehicles leaving the site all go to the A1 thus not impacting on traffic through the villages of Kirk Smeaton and Little Smeaton. The Council would therefore defer to the County Council’s Highways Officers with respect to any impacts on the highway network and the road network of neighbouring villages’.*

- 4.2 **Selby District Council (Environmental Health)** – Responded on 10 January 2017, requesting further/amended information regarding the assessments submitted with the application in relation to the closest residential receptor known as The Cottage, Brockadale Woods, Jacksons Lane, Stapleton. The response also commented on noise, vibration and air quality in relation to dust emissions.

Noise:

- 4.2.1 In relation to the response received on 10 January 2017, the response acknowledges the Environmental Statement and the Noise Impact Assessment originally submitted as part of the and raises queries as to where *'the assessment does comply with the Governments Planning Practice Guidance on Assessing Environmental Impacts from Minerals Extraction in relation to Noise Emissions as it was not carried out to assess the current application.'* It was also noted that the assessment does not take into account the residential property of 'The Cottage'.
- 4.2.2 The response states that *'Due to the issues noted above I cannot assess the noise impact on the residential receptors around the site and would request that the applicant provides additional information to support this part of the application. Once this information has been provided I would request that I am re-consulted on this application.'* However, *'if it is intended to approve this application the conditions based on the current information provided would be recommended with regards to the following: permitted hours of mineral extraction; noise attenuating equipment and permitted noise levels.'*
- 4.2.3 The Selby District Council's Environmental Health Officer response was forwarded to the agent and a further Noise Impact Assessment and a Limestone Blasting Report were undertaken and submitted in support of this application to take into account the above queries and also the residential property of 'The Cottage'. A subsequent re-consultation (including the Selby District Council's Environmental Health Officer) commenced on 8 March 2017 following the receipt of this further information.

Vibration:

- 4.2.4 *'Due to the complaints that have been received in relation to blasting at the site I would again request that consideration is given to when this is likely to cause a problem for residents and what actions can be taken to prevent a loss of amenity to residents.'*
- 4.2.5 *It is has also been noted that the applicant has requested that any permission given does not include the requirement to notify residents on Jackson Lane when the blasts are to take place and that monitoring records should be provided to the Mineral Planning Authority. However, it would be recommended that the following conditions be applied to any permission given: permitted drilling and blasting hours; notification of residents on Jackson Lane with regards to blasting; blast monitoring and a blasting method statement.'*

Air quality:

- 4.2.6 *'It is noted that the Assessment has been carried out using met office wind data for the period of January 1995 to December 2004 for Boulmer. The report author is of the opinion that this site has lower winds than more exposed area of the west and north of England. I do not necessarily agree with this opinion and would request that additional information is provided to prove this to be the case. The timeframe for the wind data is also out of date and the assessment should be based on the most recent data available. I am aware that most of the limestone processing and loading takes place on the quarry bottom and it may be appropriate for the assessment to consider actual wind data from this area compared to wind speeds on the ground level. The statement with in Section 6 of this report that Selby District Council has not designated any AQMA's is incorrect.'*

- 4.2.7 *The Assessment points out that the AQO for PM10 is currently 50 µg/m<sup>3</sup> for the 24-hour mean, not to be exceeded 35 times per year and 40 µg/m<sup>3</sup> for the annual mean. But in Section 6.2 states:  
“From above, the AC (i.e. the Defra estimated background PM10 concentration for 2015) is 18.66 µg/m<sup>3</sup>, therefore indicating that the PEC for the quarry operations might be also be around 18.66 µg/m<sup>3</sup>, which, as a worst-case situation would still be approximately a third of the annual threshold.”*
- 4.2.8 *In the Assessment reference is made to HGV movements and it is indicated that there will be no change to quarry operations. I am, however, aware that the output of the quarry has more than doubled since 2012.*
- 4.2.9 *Furthering the above by stating that if it is intended to approve this application the following conditions are recommended: Precautions to prevent debris on the highways, and a dust management’.*
- 4.2.10 *In relation to lighting the response states that ‘no consideration was been given in to artificial lighting in the Environmental Statement despite my request for this are to be included’. It is requested that should lighting be part of this application, then details should be conditioned.*
- 4.2.11 *The response also supports ‘the inclusion of a condition relating to the operation of the existing wheel washing facilities’ and advises that ‘the applicant that it may be necessary to submit an application to Selby District Council to vary the current Environmental Permit P65V3 for the extraction and processing of limestone as the area to be quarried appears to be outside the current permit boundary’.*
- 4.2.12 *A further response was received from Selby District Council (Environmental Health) on 7 March 2017, confirming that in respect of the further information they ‘would confirm that if the application is to be approved the conditions (in relation to noise, blasting, vibrations, air quality and external lighting) as suggested in their previous letter should be applied’.*
- 4.3 **Environment Agency**– Responded on 12 December 2016 stating ‘we do not have any objection to this extension in principle’ however, the response requested that informatives relating to the restoration plan, an abstraction licence, any potential dewatering of the site and historic landfill were attracted to any planning permission granted.
- 4.3.1 *A further response was received in relation to the re-consultation of the application on 15 March 2017 stating ‘no further comments’ and that the previous comments were still applicable.*
- 4.4 **Natural England** – Responded on 16 January 2017 confirming that ‘the application site is directly adjacent to Brockdale Site of Special Scientific Interest (SSSI)’ commenting with regards to the SSSI, Restoration and a Steering group:
- SSSI
- 4.4.1 *The response notes ‘that the soil bunds will limit the excavation area to within 10m of the SSSI boundary in Area 6.’ It considers that it should be established if the 10m is the estimated root zone of the trees or if the 10m extends in addition to the root zone.*
- 4.4.2 *The response acknowledges that ‘no mention of soil bunds in the northern edge of Area 7 (pg. 22 of EclA)’ and they consider that bunds should be used here as a buffer for the SSSI edge as in Area 6.*

4.4.3 Further comments were received with regards to tree protection measures and it was considered that these should be implemented across all screening bunds and that while it is agreed that the SSSI is not currently being negatively impacted by dust from the quarry concerns were raised with regards to potential impacts during the initial stages of excavation of Areas 6 and 7. The response considered that at shallow stages of excavation SSSI trees will not benefit from the screening effect of the quarry face to which the favourable condition of Area 7 has been attributed. Therefore the response requested that consideration of further mitigation should be put in place for the shallow stages of excavation, for example a screen or advanced planting.

4.4.4 The response acknowledges the working practices detailed on page 29 of the EclA and requests that these should be enforced by condition if possible.

#### Restoration

4.4.5 The response considers that an estimation of timescales for restoration phases should be provided and that the first slopes to be restored may provide insight as to the feasibility of natural colonisation on the remaining slopes, allowing alternative plans to be put in place if need be.

4.4.6 With regards to Area 6 the response comments that *'the aims of the restoration state that Area 6 is to be restored to grade 3b of best and most versatile (BMV) soils, however, the aim should be to restore it to at least grade 3a, if not grade 2'*.

#### Steering group

4.4.7 The response also recommends that a steering group is set up with members from Natural England and the Yorkshire Wildlife Trust, and states the role of this group would be to discuss management issues and final restoration plans.

4.4.8 A further response was received in relation to the re-consultation on 28 March 2017 stating *'no further comments regarding this additional information'* and confirmed their previous *'advice provided on the 16th January 2017 still stands'*.

4.5 **Yorkshire Water Services Ltd** – Responded on 22 December 2016 stating *'no comment'*.

4.6 **Highway Authority** - Responded on 22 December 2016 stating *'The existing access has been built to an acceptable standard and needs to be maintained to a good standard to allow safe movement of vehicles between the highway and Quarry. The length of County Road from the site access to the A1 motorway is in good condition and the operator of the quarry understands the highway must be kept clear of debris. This length of highway leading to the A1 has sufficient spare capacity to accommodate the HGV generated traffic flows expected from the operation of the quarry which is likely to be less than 200 per day'*.

4.6.1 It recommended that conditions relating to: use of existing access; existing wheel washing facilities and a highways condition survey are included in any permission granted.

4.6.2 A further response was received on 3 April 2017 in relation to the re-consultation, stating that the *'previous recommendations are still relevant and should be brought forward at the time of this application'*.

- 4.7 **NYCC Heritage - Principal Landscape Architect** – Responded on 22 December 2016, requesting further information in relation to *‘landscape mitigation during the operational period is provided, particularly in relation to Area 7’* due to *‘concerns about the removal of existing screening and the opening up of visibility into the quarry from Went Edge Road where existing screening is lacking’*.
- 4.7.1 The response provided comments in relation to Area 5, 6 and 7 stating that *‘the proposal to extend into Area 5 would bring quarrying closer to Went Edge Road so retention and protection of existing screening is essential. This extension was anticipated and from the landscape perspective is acceptable in principle’*.
- 4.7.2 In regard to Area 6 the comments are as follows *‘the proposal would bring quarrying closer to the A1 and it is likely to be locally visible, particularly from the adjacent PROW (path number: 35.43/9/2) which links with Brockadale and the Went Valley. However the extraction would be for a limited period of time, and restoration would be to the original ground level and land use, so in terms of landscape impact it is acceptable in principle subject to approval of mitigation details’*.
- 4.7.3 In terms of Area 7 the response states that *‘the proposal to extend into Area 7 is also new, and drawing no WVA/WEQ/RE-01(Reserve Estimates) shows that in the long term further eastward extension is anticipated. This area is of most concern because it entails removal of existing screening which was expected to be long term, with no existing screening to provide short term mitigation. This could allow local views from Went Edge Road directly into the quarry, and to the industrial estate, whether in its current location or relocated on the quarry floor’*.
- 4.7.4 The County Principal Landscape Architect states that *‘The restoration proposals are acceptable in principle’* and that *‘the attention to final treatment of quarry faces and reduction of final gradients is particularly welcomed’*.
- 4.7.5 With regards to the environmental statement the County Principal Landscape Architect confirms that *‘for the purpose of the application the LVIA is adequate’*. Furthering this by stating that the: *‘current site has a surprisingly limited visual envelope and visibility, but industrial development within the quarry will become increasingly visible as current screening within the site is being removed. The roadside mounding and planting will remain, but planting on the current eastern boundary which has been reinforced to increase screening effect would also be removed, although at a later stage. The land rises slightly to the south east of the quarry to a local high point on Went Edge Road which currently helps to prevent views into the quarry from its east. There is no roadside hedge so any extension to the east would therefore increase the visibility of the quarry’*.
- 4.7.6 The County Principal Landscape Architect also comments on the cumulative impact stating that *‘the study has taken into account cumulative effects from the power stations in the Aire Valley, and Kellingley Colliery. However in future years only Drax Power Station will remain, so the baseline is changing. The key developments in terms of cumulative effects would be those within the Magnesian Limestone Ridge. There is negligible intervisibility with other mineral sites although there could be sequential views. The existence of some existing detractors in the Magnesian Limestone landscape – the A1 and electricity pylons – underlines the need to avoid further adverse cumulative impacts on landscape and tranquillity’*.

- 4.7.7 A further response was received on 15 March 2017 stating that *'noise is one of the factors that can detract from tranquillity. Tranquillity is a quality that is being eroded in many parts of North Yorkshire, and although the countryside around Went Edge Quarry is already adversely affected by traffic noise from the A1, the cumulative effects of additional noise are undesirable'*. The response continues by commenting that the determination of the application should be a balancing act between these impacts and the need for the mineral. The County Principal Landscape Architect also confirmed that *'mitigation of the landscape aspects of the proposals are still to be agreed'*.
- 4.8 **NYCC Heritage - Ecology** – Responded on 19 December 2017 stating that *'the Ecological Impact Assessment has been carried out to an acceptable standard in order to inform the planning decision. It is considered that there would be no significant impacts associated with the proposed quarrying and restoration activities, subject to a number of mitigation proposals'*.
- 4.8.1 The County Ecologist also recommended that the proposals set out in relation to section 8 of the Ecological Assessment report (September 2016 – Appendix 7) are secured by the imposition of planning conditions and that the long term management should be secured via an appropriate planning agreement.
- 4.9 **NYCC Heritage – Archaeology** – Responded on 16 December 2016 stating *'Area 5 has been fully evaluated by geophysical survey and trial trenching. This indicates dispersed archaeological features that are badly damaged by later agriculture. I recommend that further mitigation recording takes place following topsoil stripping in this area to plan and record the archaeological features and any other finds of interest. I would be happy to review this recommendation if information on any fieldwork on the area to the immediate east is made available. The significance of the anomalies identified in Areas 6 & 7 is not fully understood from the geophysical survey and I support the recommendation in the report that archaeological trial trenching takes place'*.
- 4.9.1 A further response was received on 24 January 2017 stating *'I have reviewed the geophysical survey and note that the anomalies in Area 6 are very similar to those already trial trenched in Area 5. Although it would be desirable to be as fully informed as possible about the significance of the anomalies in Area 6 it is reasonable to assume that they are likely to be consistent with those already subject to closer investigation and that ultimately a mitigation response will be possible. The types of archaeological features expected are mainly field enclosures with some potential for deposits such as occasional pits and potentially dispersed burials. Trial trenching in Area 5 also suggests that the remains are likely to be poorly preserved. I would therefore have no objection to a conditioned response with mitigation taking the format of a strip, map and record excavation'*.
- 4.9.2 The response continues by stating *'I advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, access and drainage to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.'* It was also recommended that a *'condition is applied to secure the archaeological recording'*.
- 4.9.3 An additional response was received in relation to the re-consultation on 9 March 2017 stating *'no additional observations'*.

- 4.10 **NYCC PROW Team** – Responded on 9 March 2017, stating that *‘No rights of way are affected by this proposal’*.
- 4.11 **Kirk Smeaton Parish Council** – Responded on 23 January 2017, objecting to the application for the following reasons:
- ‘1. *The quarry has served to blight people’s lives over recent years and we know of no support for the application in either Kirk Smeaton or other neighbouring villages;*
  2. *The proposed extension to Wentedge Quarry will result in the loss of further green belt/ prime agricultural land;*
  3. *The quarry backs onto Brockadale Nature Reserve, an area of outstanding natural beauty which attracts visitors from all over Yorkshire and beyond. It is inevitable that any further enlargement of the quarry will be detrimental to both wildlife and the tranquillity of the area. The Nature Reserve is home to several special species of birds and butterflies, not to mention the deer which will undoubtedly be disturbed if this extension is allowed;*
  4. *Kirk Smeaton is a historic village with a proud and long association with the farming industry. The Parish Council cannot countenance any further loss of agricultural land as this would contribute towards a move from agriculture to industry. This would serve to threaten the characteristic of the area;*
  5. *The road running from the quarry (Wentedge Road) is a cycle route used by various cycling clubs and individual cyclists. It is also used by walkers on route to Brockadale and the occasional horse rider. The condition of the highway and the volume of heavy traffic visiting the quarry present a danger to cyclists and other recreational amenity users. Any extension to Wentedge Quarry will increase the level of danger to cyclists and other users of Wentedge Road;*
  6. *Any extension to Wentedge Quarry would in all probability deter cyclists and other people from visiting the village. The village shop/post office and public house do benefit and rely commercially on visitors to the village; and*
  7. *In the summer months Brockadale attracts a lot of unaccompanied youngsters particularly from the former mining communities. The Parish Council has been led to believe the perimeter of the quarry is not secure and if this is the case have serious concerns for the well-being of youngsters visiting the Area’*
- 4.12 **Little Smeaton Parish Council** – Responded on 26 January 2017, objecting to the application on the following grounds:
- ‘1. *The loss of further green belt prime agricultural land is unacceptable and will have an adverse effect on the character of the area which is moving towards an industrial area rather than farming;*
  2. *The adjacent Yorkshire Wildlife Trust – Brockadale Reserve is of Regional and National importance and attracts many visitors to the area. Further extension to the quarry may potentially lead to loss of wildlife and have an adverse effect on the ecology of our countryside;*
  3. *The river Went runs through the Brockadale Nature Reserve and is exposed to potential seepage of pollutants. It has recently been observed that after heavy rainfall the river has been coloured by limestone dust which can only have come from the quarry;*
  4. *The impact of increasing amounts of HGV traffic utilising the roads to the quarry has had an enormous impact on the residents of Kirk and Little Smeaton which has been documented extensively. In brief the problems are dangerous potholes created by the HGV’s, continual mud and dust on the access road, the grass verges demolished due to the road width being inadequate for two lorries and HGV’s turning into oncoming traffic. All these factors are a road accident waiting to happen and it is hoped that NYCC and Wakefield D.C. take note of this; and*



5. *The cumulative effect of noise and dust from continual blasting on the quality of life of the local community must be taken into consideration.*

4.13 **Wakefield Metropolitan Borough Council** – No response has been received with regards to the consultation or the re-consultation.

4.14 **Yorkshire Wildlife Trust** – Responded on 26 January 2017 confirming agreement to the comments provided by Natural England on 16 January 2017.

4.14.1 Further comments in the response relate to the woodland under control of the applicant to the north of the quarry site due to the proximity of the land which is managed by the Trust next to the woodland owned by the applicant. It is confirmed that the Trust has not been involved with woodland management with the applicants in the past but will be happy to work with them in the future and that they believe any potential Steering Group for the quarry will ensure that this can happen.

4.14.2 The response indicated that HGV movements have the potential to impact upon wildlife and that the movements should be controlled by condition.

4.14.3 In relation to the Restoration Proposals Aftercare and Management Plan the Trust would like to see a monitoring programme built into the long term management of the site to ensure the suggested habitats develop successfully. Further to which the Trust would expect that the setting up of a steering group and the long term management and monitoring of the restoration will be secured by conditions and a Section 106 agreement.

4.15 **Health and Safety Executive (Quarries)** – No response has been received with regards to the consultation or the re-consultation.

4.16 **Highways England** – Responded on 9 December 2016, stating '*no objection*'.

#### **Notifications**

4.17 **County Cllr. John McCartney** – Was notified of the application on 9 December 2016 and was further notified of the re-consultation on 8 March 2017.

#### **5.0 Advertisement and representations**

5.1 This application has been advertised by means of nine Site Notices posted on 16 December 2016, responses to which expired on 13 January 2017. The Site Notices were posted in the following locations:

- on a telegraph pole outside the nearest residential properties on Jacksons Lane;
- at the quarry entrance on Went Edge Road;
- on a telegraph pole outside the nearest residential properties in Kirk Smeaton village;
- on the Parish notice board on main street, in Kirk Smeaton village;
- on a lamp post out the church, in Kirk Smeaton village;
- on a lamp post on Pinfold Lane, in Kirk Smeaton village;
- on the Parish notice board on the B6474, in Wentbridge village;
- on the bus stop sign on the B6474, in Wentbridge village; and
- on a highway sign at the junction of Jacksons Lane and the B6474, in Wentbridge village.

5.2 A Press Notice appeared in the Selby Times/Post on 15 December 2016, responses to which expired on 5 January 2017.

- 5.3 In addition 9 Neighbour Notification letters were sent on 14 December 2016 and the period in which to make representations expired on 11 January 2017. The following properties received a neighbour notification letter:
- Brockadale House, Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ;
  - Brockadale Oaks Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ;
  - Brockadale Alpaca Stud, Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ;
  - Brockadale Arabians, Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ
  - Dalefield, Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ;
  - The Cottage, Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ;
  - Timbertops, Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ;
  - Went View, Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ; and
  - Brockadale Sett, Jacksons Lane, Wentbridge, Pontefract, WF8 3HZ.
- 5.4 A total of 111 letters of representation have been received, of which 95 raise objections to the proposed development and 16 are in support. A 106 signatory petition was also submitted by Went Valley Aggregates and Recycling Limited (the applicant) in support of the application.
- 5.5 The reasons for objection are summarised as follows:
- Loss of green belt land;
  - Loss of prime agricultural land;
  - Impact of the proposal on Brockadale Nature Reserve;
  - Impact upon the local residents;
  - Impact upon the character of the surrounding area;
  - Highways safety;
  - Highways numbers/traffic;
  - Safety of people visiting Brockadale Nature Reserve.
  - Loss of habitats and biodiversity;
  - Impact upon the watercourse e.g. population to the River Went; and
  - The cumulative impacts of noise and dust from continued quarry operations.
- 5.6 The reasons for support are summarised as follows:
- The safeguarding of existing jobs;
  - The continued need for building material and aggregate; and
  - The ceasing of mineral extraction would have a knock on effect within the local building industry.
- 5.7 In accordance with Regulation 22 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regs 2011) following the receipt of further/amended environmental information (as listed in paragraph 4.0 of this report) the County Planning Authority re-publicised the application by way of nine Site Notices posted 8 March 2017(responses to which expired on 29 March 2017) and a Press Notice which appeared in the Selby Times/Post on 16 March 2017 (responses to which expired on 6 April 2017). In addition the members of the public who had made representation to the Authority objecting to the application was notified of the further environmental information/amended documents and the further comments received are included in the summary above.

## **6.0 Planning policy and guidance**

### National Planning Policy

- 6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published March 2012); and
  - National Planning Policy for Waste (2014).

### National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.3 The overriding theme of Government Policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as "*making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same*". The Government defines sustainable development as that which fulfils the following three roles:
- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
  - **A social role** – development supporting strong, vibrant and healthy communities; and,
  - **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.
- 6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this framework indicate development should be restricted.
- 6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.6 Paragraph 32 within Section 4 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.7 Paragraph 58 within Section 7 (Requiring good design) of the NPPF identifies 6 objectives that planning policies and decisions should aim to ensure that new developments:
- *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*

- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
  - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
  - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
  - *are visually attractive as a result of good architecture and appropriate landscaping’.*
- 6.8 Within the NPPF, Paragraph 64 of the Framework advises 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’.*
- 6.9 Within the NPPF, Chapter 9 outlines and provides guidance on protecting Green Belt land. It is noted with paragraph 79 of the Framework, that the fundamental aim is the prevention of urban sprawl by keeping land permanently open and its openness and permanence which are the essential characteristics of the Green Belt.
- 6.10 Within the NPPF, paragraph 80 advises that the five purposes of Green Belt include:
- *‘to check the unrestricted sprawl of large built up areas;*
  - *to prevent neighbouring towns merging into one another;*
  - *to assist in safeguarding the countryside from encroachment;*
  - *to preserve the setting and special character of historic towns; and,*
  - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land’.*
- 6.11 Paragraph 87 of the Framework advises that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.* Furthermore, paragraph 88 of the Framework advises that *‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.* Substantial weight is therefore to be given to the protection of the Green Belt.
- 6.12 Paragraph 90 of the Framework advises on the certain types of development which are considered to be appropriate to be located within the Green Belt provided *‘they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are (inter alia):*
- *mineral extraction’.*
- 6.13 Within Section 11 of the NPPF it is clear that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.14 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. It should also prevent new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 6.15 Paragraph 112 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states '*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*'.
- 6.16 Paragraph 118 within Section 11 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. Paragraph 118 states: '*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (inter alia): if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*'.
- 6.17 Paragraph 120 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that to prevent unacceptable risks from pollution, decisions should ensure that the development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.18 Paragraph 121 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that '*Planning policies and decisions should also ensure that:*
- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
  - *land under Part IIA of the Environmental Protection Act 1990; and after remediation, as a minimum, land should not be capable of being determined as contaminated*
  - *adequate site investigation information, prepared by a competent person, is presented*'.
- 6.19 Paragraph 122 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that '*In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities*'.
- 6.20 Paragraph 123 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that '*Planning policies and decisions should aim to:*
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
  - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason’.*

6.21 Paragraph 128 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states that *‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.*

6.22 Chapter 13 of the NPPF is titled ‘Facilitating the Sustainable Use of Minerals’. Within Chapter 13 it states at paragraph 142 that minerals are *‘essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation’.* Furthermore, when determining the application consideration needs to be given to the bullet points in Paragraph 144 of the NPPF relevant to the proposed development, which states that *‘When determining planning applications, local planning authorities should (inter alia):*

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

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

- *using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;*

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

National Planning Policy for Waste (published October 2014)

- 6.24 The National Planning Policy for Waste (NPPW) replaces ‘Planning Policy Statement 10: Planning for Sustainable Waste Management’ (PPS 10) published in 2006 and is to be considered alongside other national planning policy for England - such as in NPPF (2012) and Defra’s Waste Management Plan for England (2013).
- 6.25 Paragraph 1 of the NPPW states that the Government’s ambition is to ‘*work towards a more sustainable and efficient approach to resource use and management*’. The NPPW sets out the “pivotal role” that planning plays in delivering the country’s waste ambitions with those of relevance to this application being as follows:
- *‘delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A of NPPW);*
  - *ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
  - *providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
  - *helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and*
  - *ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste’.*
- 6.26 Paragraphs 2 to 6 of the NPPW relate to the preparation of Local Plans in respect of the evidence base, identification of need in Local Plan making, identifying suitable sites and Green Belt protection and are not directly relevant to the determination of planning applications for waste management facilities.
- 6.27 In relation to the determination of planning applications, Paragraph 7 of the NPPW states that Waste Planning Authorities should:
- *‘only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*

- *recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
- *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
- *ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary’.*

6.28 The criteria set out in the first two bullet points are not material to the determination of this application, as the Local Plan (2006) pre-dates current National Policy (2014).

6.29 Paragraphs 8 and 9 of the NPPW relate to planning applications for non-waste development and the monitoring and reporting of waste and are not directly relevant to the determination of this application.

6.30 Appendix A of the NPPW comprises a diagram of the ‘Waste Hierarchy’ which is unchanged from that included in PPS10.

6.31 Appendix B of the NPPW sets out the ‘Locational Criteria’ to be assessed by Local Planning Authorities in determining applications for waste management facilities, as follows:-

- a. *“protection of water quality and resources and flood risk management;*
- b. *land instability;*
- c. *landscape and visual impacts;*
- d. *nature conservation;*
- e. *conserving the historic environment;*
- f. *traffic and access;*
- g. *air emissions, including dust;*
- h. *odours;*
- i. *vermin and birds;*
- j. *noise, light and vibration;*
- k. *litter; and,*
- l. *potential land use conflict”.*

6.32 It is considered that criteria a, c, d, f, g, j, and l are relevant to the determination of this application and these are set out in full below:



- a. protection of water quality and resources and flood risk management
- 6.33 *'Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.'*
- c. landscape and visual impacts
- 6.34 *'Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.'*
- d. nature conservation
- 6.35 *'Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.'*
- f. traffic and access
- 6.36 *'Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports'*
- g. air emissions, including dust
- 6.37 *'Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles'*
- j. noise, light and vibration
- 6.38 *'Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered'*
- l. potential land use conflict
- 6.39 *'Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility'*
- 6.40 It should be noted that the National Planning Policy for Waste does not contain any guidance on dealing with unallocated sites.

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

- 6.41 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (NPPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -
- (i) Air Quality
- 6.42 This section provides guiding principles on how planning can take account of the impact of development on air quality. It states *'Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation'*.
- (ii) Minerals
- 6.43 This provides planning guidance for mineral extraction and the application process and focuses on the environmental impacts such as noise, dust and quarry slope stability and the importance of high quality restoration and aftercare of mineral sites. With regard to landbanks it states *'There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need'*.
- 6.44 With regard to minimising dust emissions from minerals sites the guidance states *'Where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study, which should be undertaken by a competent person/organisation with acknowledged experience of undertaking this type of work'*. It identifies 5 key stages to a dust assessment study:
- establish baseline conditions of the existing dust climate around the site of the proposed operations;
  - identify site activities that could lead to dust emission without mitigation;
  - identify site parameters which may increase potential impacts from dust;
  - recommend mitigation measures, including modification of site design
  - make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.
- 6.45 The guidance also sets out appropriate noise standards as follows:  
*'Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90, 1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90, 1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property'*.

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

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

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

(iii) Natural Environment

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

(iv) Noise

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

(v) Waste

6.50 With regard to the Waste Hierarchy the guidance states that *'driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste' and 'all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy'.*

- 6.51 The guidance states, in respect of the use of unallocated sites for waste management facilities, that applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate 'need'.
- 6.52 With regard to expansion/extension of existing waste facilities the guidance states that *'the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant'*.
- 6.53 The guidance includes advice on the relationship between planning and other regulatory regimes. On this matter it states *'The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National Planning Policy for Waste. There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes'*.
- 6.54 The guidance states that *'the role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health'*.
- (vi) Water supply, wastewater and water quality
- 6.55 This advises on how planning can ensure water quality and provides guidance on how development can indirectly affect water bodies. The impacts upon water quality will depend on the location and character of the proposed development. The guidance acknowledges that there are likely to be options for mitigating the impact and mitigation should be practicable and proportionate to the likely impact.
- National Waste Management Plan for England (2013)
- 6.56 National waste planning policy in England forms part of a wider national waste management plan to meet the requirements of the Waste Directive. The UK Government adopted the National Waste Management Plan for England (NWMP) in December 2013.
- 6.57 It should be noted that *'This Plan provides an overview of waste management in England... It is not, therefore, the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan'*.
- 6.58 The NWMP identifies a commitment to achieving a zero waste economy. It states that: *'In particular, this means using the 'waste hierarchy' (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management'*. Later on, it identifies that the waste hierarchy is *'both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011.'* The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).

- 6.59 The NWMP recognises that it is: *‘important to make sure that waste is optimally managed, so that the costs to society of dealing with waste, including the environmental costs, are minimised’*. It goes on to state: *‘The key aim of the waste management plan for England is to set out our work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the ‘waste hierarchy’ (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management’*.
- 6.60 It is noted within the NWMP that *‘The Environment Agency is the main regulator of waste management in England. Among its responsibilities are the determination of applications for environmental permits required under Article 23 of the revised Waste Framework Directive; and carrying out inspection and other compliance assessment activities’* (page 12). In addition, *‘The waste producer and the waste holder should manage waste in a way that guarantees a high level of protection of the environment and human health. In accordance with the polluter-pays principle, the costs of waste management shall be borne by the original waste producer or by the current or previous waste holders. The distributors of products potentially share these costs. The polluter-pays principle ensures that those responsible for producing and holding waste are incentivised to reduce and/or manage their waste in a way that reduces impacts on the environment and human health’*.

#### The Development Plan

- 6.61 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils ‘saved’ under direction of the Secretary of State; and,
  - any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.
- 6.62 The Development Plan for the determination of this particular application comprises the following:
- The ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997);
  - The ‘saved’ policies of the North Yorkshire Waste Local Plan (2006);
  - The extant policies of the Selby District Core Strategy Local Plan (2013); and
  - The ‘saved’ policies of the Selby District Local Plan (2005).
- 6.63 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that are of relevance to this application:
- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).
- 6.64 The draft MWJP was published in November 2016 for representations. Consultation has commenced on an Addendum schedule of proposed changes for an 8 week period over summer 2017 prior to the submission of the Minerals and Waste Joint Plan for Examination in Public (EiP) which is expected to take place later this year. 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.

- 6.65 It is noted that in the MWJP only Area 5 of the application site is an ‘allocated’ site (ref. MJP29) and is listed in draft Policy M09 (Meeting crushed rock requirements) as one of the sites for Magnesian Limestone allocation. Within the draft MWJP it states *‘This site is consistent with the broad geographical approach to the supply of aggregates (Policy M01) and the provision of crushed road (Policies M05 and M06) and could contribute to meeting requirements for the supply of Magnesian limestone over the Plan period (Policy M09) as evidence, including from the planning application NY/2014/0113/ENV which was granted and adjacent existing quarry, indicates that there is a suitable resource in this location. No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environments which indicate any significant conflict with other relevant policies in the Plan. Although there are development requirements which have been identified through the Site Assessment process which would need to form part of the development proposals for any subsequent planning application, no overriding constraints have been identified at this stage through the site assessment process to indicate that the site could not be developed and operated in an acceptable manner’.*
- 6.66 It is also noted that draft Policy M15 (Continuity of supply of building stone) states *‘in order to secure an adequate supply of building stone, proposals will, where consistent with other policies in the Joint Plan, be permitted for:-*
- (i) the extension of time for completion of extraction at permitted building stone extraction sites;*
  - (ii) the lateral extension and/or deepening of workings at permitted building stone extraction sites;*
  - (iii) the re-opening of former building stone quarries;*
  - (iv) the opening of new sites for building stone extraction, including the small- scale extraction of building stone at new sites adjacent to existing historic buildings or structures where the use is specifically for their repair;*
  - (v) the incidental production of building stone in association with the working of crushed rock;*
  - (vi) the grant of permission on sites allocated in the Joint Plan for working of building stone’.*
- 6.67 It is considered that point (v) is relevant in relation to the proposal as the extensions are in predominantly in relation to crushed rock provision however, the current works at Went Edge Quarry also included the provision of building stone and should the proposal be granted the current working in relation to building stone would continue.
- 6.68 At the current stage, it would not be appropriate to give any significant weight to this emerging document in respect of the development proposed in this planning application because, whilst Policy M01 (Broad geographical approach to supply of aggregates) is not subject to objections, there are currently, until the matter is considered at EiP, representations which have been received with regard to Policies M05 (Provision of crushed rock), M06 (Landbanks for Crushed Rock), M09 (Meeting crushed rock requirements), W01 (Moving waste up the waste hierarchy), W02 (Strategic role of the Plan area in the management of waste) and W05 (Meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste) in the Publication document that challenge the soundness of those aspects of the MWJP.
- 6.69 The NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out of date because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations which local planning authorities should take into account from the day of its publication.

6.70 If, following the 12 month transitional period given to local planning authorities to ensure compliance of their Local Plans with the NPPF, a new or amended plan has not been adopted, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215 of the NPPF). The closer the policies in the plan are to the policies in the NPPF the greater the weight that may be given.

6.71 Therefore, relevant policies within the NPPF have been set out above and the relevant 'saved' policies within the North Yorkshire Minerals Local Plan (1997), the North Yorkshire Waste Local Plan (NYWLP) (2006) and the Selby District Local Plan (2005) are outlined and the degree of consistency with the NPPF is considered. This exercise is not applicable to the policies contained within the 'Selby District Core Strategy Local Plan' (2013) as the Local Plan Strategy is a post-NPPF adoption and has been deemed to be in compliance with the general aims of the NPPF.

#### North Yorkshire Minerals Local Plan 'Saved' Policies

6.72 The Planning and Compensation Act 1991 placed a duty on each County Council in England and Wales to prepare a Minerals Local Plan. The North Yorkshire Minerals Local Plan was adopted in 1997 under the 1991 Act. In the absence of an adopted MWJP and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the 'saved' policies continue to form part of the statutory 'development plan' and provide an important part of the current local policy framework for development control decisions for minerals related development.

6.73 The 'saved' policies of the North Yorkshire Minerals Local Plan (NYMLP) (1997) relevant to the determination of this application are:

- Policy 4/1 – Determination of Planning Applications;
- Policy 4/6A – Nature Conservation and Habitat Protection – Local;
- Policy 4/10 – Water Protection;
- Policy 4/13 – Traffic Impact;
- Policy 4/14 – Local Environment and Amenity;
- Policy 4/17 – Importation of Waste;
- Policy 4/18 – Restoration to Agriculture; and
- Policy 4/20 – Aftercare.

6.74 'Saved' Policy 4/1 'Determination of Planning Applications', states that:  
*'In considering an application for mining operations, the Minerals Planning Authority will need to be satisfied that, where appropriate:-*  
(a) *the mineral deposit on the application site has been fully investigated;*  
(b) *the siting and scale of the proposal is acceptable;*  
(c) *the proposed method and programme of working would minimise the impact of the proposal;*  
(d) *landscaping and screening has been designed to effectively mitigate the impact of the proposal;*  
(e) *other environmental and amenity safeguards would effectively mitigate the impact of the proposals;*  
(f) *the proposals and programme for restoration are acceptable and would allow a high standard to be achieved;*  
(g) *a high standard of aftercare and management of the land could be achieved;*  
(h) *the proposed transport links to move the mineral to market are acceptable; and*  
(i) *any cumulative impact on the local area resulting from the proposal is acceptable'.*

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

- 6.76 Where criterion e) is concerned, Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should ensure that any unavoidable emissions or vibrations are controlled or mitigated (if it is not possible to remove them at source).
- 6.77 With regard to criteria f) and g), Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.
- 6.78 Criterion h) of 'saved' Policy 4/1 does not conflict with the provisions of the NPPF; however, there are differences in the objectives. Criterion h) states that transport links should be acceptable whereas paragraph 32 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance.
- 6.79 Criterion i) of 'saved' Policy 4/1 is in compliance with paragraph 144 of the NPPF. Paragraph 144 states that in granting permission for mineral development the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality should be taken into account.
- 6.80 'Saved' Policy 4/6A 'Nature Conservation and Habitat Protection – Local', states that in making decisions on planning applications, the Mineral Planning Authority will protect the nature conservation or geological interest of Local Nature Reserves and of other sites having a nature conservation interest or importance, and will have regard to other wildlife habitats.
- 6.81 This Policy is consistent with paragraph 109 of the NPPF. Paragraph 109 states that that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 6.82 'Saved' Policy 4/10 'Water Protection', states that proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. Paragraph 143 of the NPPF states that when preparing local plans, local planning authorities should set out environmental criteria, in line with policies in the NPPF, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the flow and quantity of surface and groundwater and this policy is compliant with paragraph 143 of the NPPF.
- 6.83 'Saved' Policy 4/13 'Traffic Impact', states that where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network.
- 6.84 This Policy is consistent with the provisions of paragraph 32 of the NPPF which also states that improvements to the transport network should be considered.
- 6.85 'Saved' Policy 4/14 'Local Environment and Amenity', states that proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact upon the local environment or residential amenity.



- 6.86 This Policy is considered to be consistent with paragraph 144 of the NPPF. Paragraph 144 states that when determining planning applications, local planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and human health and should take into account cumulative impacts of a development in a locality.
- 6.87 'Saved' Policy 4/17 is considered relevant to the determination of this application due to the proposals including the importation of waste materials for the purposes of the restoration of the site following extraction. The Policy advises that *'Proposals for mining operations involving restoration through infilling with imported wastes will only be permitted where:*
- a) *waste disposal can assist in achieving the most appropriate restored landform; and*
  - b) *the transport and disposal of the waste would not have an unacceptable impact on the environment or local amenity'.*
- 6.88 It is considered that the NPPW advises in paragraph 7 that *'When determining waste planning applications, waste planning authorities should; ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary'.*
- 6.89 'Saved' Policy 4/18 entitled 'Restoration to agriculture' is considered relevant to the determination of this application as the proposal is for the site to be restored to agriculture once operations have ceased. The Policy states, 'Where agriculture is the intended primary after use, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land'.
- 6.90 The NPPF states within Paragraph 144 that planning authorities should 'provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary'. It is considered that 'saved' Policy 4/18 is therefore consistent with the NPPF and should be afforded full weight in the determination of this application.
- 6.91 'Saved' Policy 4/20 'After-care', states that planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) after-uses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements.
- 6.92 This Policy is considered to be consistent with paragraph 144 of the NPPF. Paragraph 144 states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

North Yorkshire Waste Local Plan (NYWLP) (adopted 2006)

6.93 In the absence of an adopted Joint Minerals and Waste Local Plan and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the 'saved' policies can now be considered as comprising of the Development Plan. The 'saved' policies relevant to the determination of this application are:

- Policy 4/1 – Waste Management Proposals;
- Policy 4/3 – Landscape Protection;
- Policy 4/7- Protection of Agricultural Land;
- Policy 4/10 – Locally Important Sites
- Policy 4/15 - Archaeological Evaluation;
- Policy 4/16 - Archaeological Sites;
- Policy 4/18 – Traffic Impact;
- Policy 4/19 – Quality of Life;
- Policy 4/20 - Open Space, Recreation and Public Rights of Way;
- Policy 4/21 – Progressive Restoration;
- Policy 4/22 – Site Restoration;
- Policy 4/23 – Aftercare; and
- Policy 6/1 – Landfill Proposals.

'Saved' Policy 4/1 – Waste Management Proposals

6.94 This Policy states:

*'Proposals for waste management facilities will be permitted provided that:*

- a) *the siting and scale of the development is appropriate to the location of the proposal;*
- b) *the proposed method and scheme of working would minimise the impact of the proposal;*
- c) *there would not be an unacceptable environmental impact;*
- d) *there would not be an unacceptable cumulative impact on the local area;*
- e) *the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
- f) *where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed afteruse;*
- g) *the proposed transport links are adequate to serve the development; and,*
- h) *other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
- i) *it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;*
- j) *the location is geographically well located to the source of the waste thereby according with the proximity principle.'*

6.95 This 'saved' Policy of the NYWLP is directly relevant to the development currently under consideration. In accordance with paragraph 214 of the NPPF, an analysis of consistency shows the NPPF to be silent on matters raised in criteria a), b), i) and j). With regard to criterion f), Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the imposition of appropriate conditions, where necessary.

6.96 As the NPPF does not provide specific waste policies, the NPPW has also been reviewed in relation to the proposed development in terms of compliance with criteria a), i) and j). There is nothing specifically related to criteria b) and f) within the NPPW.

- 6.97 With regard to criterion a) this is consistent with the NPPW which sets out locational criteria for waste management facilities and states that the type and scale of the facility should be taken into account when deciding on appropriate locations.
- 6.98 In terms of criterion i), the Best Practicable Environmental Option (BPEO) is a set of procedures with the goal of managing waste and other environmental concerns. BPEO assessment is a method for identifying the option that provides “*the most environmental benefit*” of “*least environmental damage*”. The technique is not reflected in NPPW or the NPPF, but the principles of putting forward the most sustainable option i.e. movement of waste up the waste hierarchy is set out in NPPW. Therefore, although criterion i) does not conflict with the provision of NPPW it should be given less weight for this reason. NPPW reflects the proximity principle set out in criterion j), therefore, this point should be given weight.
- 6.99 ‘Saved’ Policy 4/1 g) is consistent with the provisions of the NPPF insofar as supporting the adequacy of transport links, however, there are differences in the objectives that criterion g) states that transport links should be adequate, whereas the NPPF states that improvements to the transport network should be considered. Therefore, the NPPF guidance should be given more weight in this instance because it goes a step further in supporting those developments comprising improvements to transport links.
- 6.100 In terms of criteria c), d) and h) of ‘saved’ Policy 4/1 the NPPF states that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution, and that cumulative effects should be taken into account. The wording in ‘saved’ Policy 4/1 states that there should not be unacceptable impacts and that safeguards should mitigate the impacts. Although there is a slight difference in emphasis the provisions of the Policy are generally consistent with the NPPF and should be given weight.
- 6.101 Criterion e) of ‘saved’ Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the Policy is consistent with the relevant policies of the NPPF, but more emphasis should be given to protecting and enhancing valued landscapes. Greater weight should therefore be given to the NPPF in this instance because it goes a step further in protecting and enhancing valued landscapes.

‘Saved’ Policy 4/3 – Landscape protection

- 6.102 This ‘saved’ Policy advises that waste management facilities will only be permitted ‘where there would not be an unacceptable effect on the character and uniqueness of the landscape. Wherever possible, proposals should result in an enhancement of local landscape character’.
- 6.103 In its reasoned justification, ‘saved’ Policy 4/3 advises that in considering development proposals, the Authority will expect developers to respect and enhance the special character and distinctiveness of features which make specific landscapes locally important. Where waste management proposals are determined to be compatible with the local landscape by virtue of siting, scale and design, possibilities for the enhancement of the character of the local landscape should also be explored.
- 6.104 This specific ‘saved’ Policy is considered to be relevant and full weight can be given to ‘saved’ Policy 4/3 as the NPPF makes clear that the effects of development on the landscape, including the potential sensitivity of an area to adverse landscape impacts, should be taken into account.

'Saved' Policy 4/7 - Protection of Agricultural Land

- 6.105 The Policy states that *'Proposals for waste management facilities on the best and most versatile agricultural land will only be permitted where:*
- i) there is an overriding need for the development;*
  - ii) there is a lack of development opportunities on non agricultural land;*
  - iii) there is insufficient land available in grades below 3a*
  - iv) Other sustainability considerations on land below grade 3a outweigh issues of agricultural land quality*

*Where, in exceptional circumstances, development is permitted on the best and most versatile agricultural land it will only be permitted where provision is made for a high standard of restoration such that an agricultural afteruse can be achieved or the future potential for high quality agricultural use is safeguarded'*

- 6.106 The Policy does not conflict with the aims and objectives of the NPPF which recognises the economic and other benefits of the best and most versatile agricultural land and encourages the use areas of poorer quality agricultural land in preference to that of a higher quality.

'Saved' Policy 4/10 – Locally Important Sites

- 6.107 The Policy states that *'Proposals for waste management facilities will only be permitted where there would not be an unacceptable effect on the intrinsic interest and, where appropriate educational value of the following:-*
- (a) Local Nature Reserves;*
  - (b) Sites of Importance for Nature Conservation;*
  - (c) UK Biodiversity Action Plan priority species or key habitats;*
  - (d) other wildlife habitats;*
  - (e) the habitat of any animal or plant species protected by law.'*

- 6.108 This specific 'saved' Policy is considered to be relevant and full weight can be given to 'saved' Policy 4/10 as the NPPF makes clear that the effects of development on the potential sensitivity of an area to adverse impacts, should be taken into account.

'Saved' Policy 4/15 - Archaeological Evaluation

- 6.109 The Policy states that *'Where proposals for waste management facilities affect sites of known or potential archaeological importance the applicant will be required to carry out an archaeological field evaluation prior to the determination of the planning application'*.

- 6.110 The Policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The NPPF acknowledges that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/16 - Archaeological Sites

- 6.111 The Policy states that *'Proposals for waste management facilities which would have an unacceptable effect on nationally important archaeological remains, whether scheduled or not, and their settings, will not be permitted. Where planning permission is granted for waste management facilities which would affect sites of regional, County or local importance, conditions will be imposed to ensure the remains are preserved in-situ or by record, as appropriate to their archaeological interest'*.

6.112 The Policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The NPPF acknowledges that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/18 – Traffic impact

6.113 This 'saved' Policy addresses transport issues and advises that waste management facilities will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and would not have an unacceptable impact on local communities.

6.114 'Saved' Policy 4/18 does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF states that improvements to the transport network should be considered, therefore, the NPPF guidance should be given more weight in this instance.

'Saved' Policy 4/19 – Quality of life

6.115 This 'saved' Policy seeks to ensure that waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity.

6.116 It is considered that full weight can be given to 'saved' Policy 4/19 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account.

'Saved' Policy 4/20 – Open space, Recreation and Public Rights of Way

6.117 The Policy states that *'The development of waste management facilities will not be permitted where there would be an unacceptable impact on recreational amenity of the area, on open spaces with recreational value or on the enjoyment of the Public Rights or Way network. Proposals for waste management facilities which would interrupt, obstruct or conflict with use of a public right of way will only be permitted where satisfactory provision has been made, in the application, for protecting the existing right of way or for providing acceptable alternative arrangements both during and after working'*.

6.118 It is considered that full weight can be given to 'saved' Policy 4/20 as the NPPF makes clear that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users.

'Saved' Policy 4/21 – Progressive Restoration

6.119 This Policy states that *'Planning applications for waste disposal should demonstrate that wherever possible and practicable, progressive restoration will be undertaken to a high standard to achieve a prescribed after-use or combination of after-uses'*.

6.120 It is noted that the NPPF does not advise on matters relating to the restoration of sites through the importation of waste materials. It is however noted, that the NPPF advises in paragraph 144 of the Framework, that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Furthermore, the NPPF advises that ensure that developments do not result in unacceptable impacts upon the natural environment or human health. Therefore, whilst the principles of appropriate and acceptable restoration are considered to be generally conforming to the principles of the NPPF, only partial weight should be given to this Policy in the determination of this application.

'Saved' Policy 4/22 – Site Restoration

6.121 This Policy states that *'Proposals for waste disposal should demonstrate that the restoration proposals will restore and enhance, where appropriate, the character of the local environment'*.

6.122 The NPPF states within Paragraph 144 that planning authorities should 'provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary'. It is considered that 'saved' Policy 4/22 is therefore consistent with the NPPF and should be afforded full weight in the determination of this application.

'Saved' Policy 4/23 – Aftercare

6.123 This Policy states that *'Planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity uses will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use'*.

6.124 This Policy is considered to be consistent with paragraph 144 of the NPPF. Paragraph 144 states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

'Saved' Policy 6/1 – Landfill Proposals

6.125 This Policy states that 'Proposals for additional landfill capacity for the disposal of waste will be permitted provided that:-

- a) it can be demonstrated that there is an over-riding need for the development and there are no available alternative methods for treating the waste; or
- b) it is required for the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way; and
- c) where appropriate, provision is made for the selective recycling of waste; and
- d) the highway network and site access can satisfactorily accommodate the traffic generated; and
- e) the proposal will not have an unacceptable impact on local amenity or the environment.

6.126 It is considered that this policy is consistent with the NPPW as it ensures that *'the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities'*. Therefore it is considered that 'saved' Policy 6/1 is therefore consistent with the NPPW and should be afforded full weight in the determination of this application.

### Selby District Core Strategy (2013)

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

- SP1 – Presumption in Favour of Sustainable Development;
- SP3 – Green Belt;
- SP13 – Scale and Distribution of Economic Growth;
- SP15 – Sustainable Development and Climate Change;
- SP18 – Protecting and Enhancing the Environment; and
- SP19 – Design Quality.

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

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

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

### Policy SP3: Green Belt

6.129 Within the Core Strategy Local Plan, Policy SP3 is considered relevant to the determination of this application as the development site is located within the Green Belt. The Policy states *'In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted'.*

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

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

*C. Rural Economy*

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

1. *The re-use of existing buildings and infrastructure and the development of well-designed new buildings;*
2. *The redevelopment of existing and former employment sites and commercial premises;*

*D. In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity'.*

#### Policy SP15: Sustainable Development and Climate Change

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

*'B. Design and Layout of Development*

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

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

#### Policy SP18: Protecting and Enhancing the Environment

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

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

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

#### Policy SP19: Design Quality

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

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

- a) Make the best, most efficient use of land without compromising local distinctiveness, character and form.*
- b) Positively contribute to an area's identity and heritage in terms of scale, density and layout;*
- c) Be accessible to all users and easy to get to and move through;*
- d) Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts;*



- e) *Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate;*
- f) *Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community;*
- g) *Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form;*
- h) *Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance;*
- i) *Create mixed use places with variety and choice that complement one another to encourage integrated living, and*
- j) *Adopt sustainable construction principles in accordance with Policies SP15 and SP16.*
- k) *Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.*
- l) *Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved’.*

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

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

- ENV1- Control of Development;
- ENV2 - Environmental pollution and Contaminated land;
- ENV15 – Conservation and Enhancement of Locally Important Landscape Areas;
- ENV21- Landscaping Requirements;
- ENV28 - Other Archaeological Remains;
- T1- Development in Relation to the Highway network; and
- EMP9 - Expansion of Existing Employment Uses in the Countryside.

‘Saved’ Policy ENV1- Control of Development

6.135 This Policy states that ‘...development will be permitted provided a good quality of development would be achieved’ and sets out a number of points which the District Council will take account of in considering proposals for development:

- 1) *The effect upon the character of the area or the amenity of adjoining occupiers;*
- 2) *The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;*
- 3) *The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;*
- 4) *The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;*
- 5) *The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;*
- 6) *The extent to which the needs of disabled and other inconvenienced persons have been taken into account;*

- 7) *The need to maximise opportunities for energy conservation through design, orientation and construction; and*
- 8) *Any other material considerations’.*

6.136 It is considered that limited weight can be attached to ‘saved’ Policy ENV1 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. However, with regards to transport, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and, therefore, only limited weight may be given in this instance.

‘Saved’ Policy ENV2 - Environmental pollution and Contaminated land

6.137 This Policy states that

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

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

‘Saved’ Policy ENV15 – Conservation and Enhancement of Locally Important Landscape Areas.

6.139 Within the Selby District Local Plan, ‘saved’ Policy ENV15 is considered relevant to the determination of this application as the nature of the development, being minerals extraction, has the potential to impact upon the character of the surrounding landscape. The Policy advises that *‘Within the locally important landscape areas, as defined on the proposals map, priority will be given to the conservation and enhancement of the character and quality of the landscape. Particular attention should be paid to the design, layout, landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area’.*

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

‘Saved’ Policy ENV21 – Landscaping Requirements

6.141 This Policy states that

- A) *Where appropriate, proposals for development should incorporate landscaping as an integral element in the layout and design, including the retention of existing trees and hedgerows, and planting of native, locally occurring species.*
- B) *The District Council may make tree preservation orders, impose planting conditions, or seek an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure the protection and future maintenance and/or replacement of existing trees, hedgerows and proposed new planting’.*

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

### 'Saved' Policy ENV28- Other Archaeological Remains

6.143 This Policy states that:

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

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

### 'Saved' Policy T1- Development in Relation to the Highway network

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

### 'Saved' Policy EMP9 - Expansion of Existing Employment Uses in the Countryside

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

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

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

## **7.0 Planning considerations**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the principle of the development considering need and the landbank and also the effect upon local amenity (noise, vibration and air quality, lighting), landscape impact, restoration and aftercare, Green Belt, impact upon public rights of way, impact upon agricultural land, ecology, impacts upon the water environment, impacts upon highways infrastructure and archaeology.

### Principle of the proposed development

- 7.2 The acceptability of the extraction of limestone from the land at Went Edge Quarry has been established by a number of historical planning permissions and most recently by the grant of planning permission for the Area 4 (5.8 hectare) extension (C8/45/13AJ/PA) dated 30 September 2015. For the planning application under consideration the applicant has identified a workable reserve of 4.4 million tonnes of viable limestone extraction resource on land adjacent to the established quarry. The proposed extensions would benefit from the presence of existing infrastructure (weighbridge, offices, site access) in place at the quarry. The proposed extensions to this established quarry would reduce the requirement for potential new quarry sites to be developed in other areas to meet requirements currently served by this site for crushed rock in the future and would result in continued employment at the site through the safeguarding of jobs.
- 7.3 The NPPF (paragraph 142), recognises that '*minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, building, energy and goods that the country needs.....*' and in paragraph 145 encourages MPA's to plan to maintain a 10 year landbank for crushed rock. As highlighted in paragraph 6.65 of this report the proposed extension into Area 5 is an 'allocated' site (ref. MJP29) and is listed in draft Policy M09 (Meeting crushed rock requirements) as one of the sites for Magnesian Limestone allocation. The proposed extensions would release a viable reserve (4.4 million tonnes) which would make an important contribution towards the supply of limestone in the County and to the main markets in the sub region.
- 7.4 Landbanks are an important aspect of Government policy to ensure continuity of supply of minerals and support economic growth and provision of infrastructure. The contribution the extended quarry would make towards a sufficient supply of limestone and also employment in the Region is consistent with national planning policy contained within the NPPF (paragraphs 142, 144 & 145) which advise MPAs to '*give great weight to the benefits of mineral extraction, including to the economy*' as well as Policy SP1, SP13 of the Selby District Core Strategy Local Plan (2013) and 'saved' Policy EMP9 of the Selby District Local Plan (2005) in terms of employment and the promotion of sustainable growth of key economic sectors. However, any potential adverse impacts on the environment and amenity arising from the proposed extensions need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.
- 7.5 It is also noted that the current works at Went Edge Quarry also included the provision of building stone and should the proposal be granted the current working in relation to building stone would continue therefore, safeguarding production of building stone in relation to material for the local building trade.

### Local amenity (noise and vibration)

- 7.6 It is noted that objections have been received regarding the cumulative impacts of noise from continued quarry operations in relation the local amenity. Chapter 7 of the Environmental Statement (ES) focuses on noise and vibration impacts. The noise assessment submitted by the applicant in support of the application considers the likely noise levels generated by soil stripping, extraction and processing operations, and the vehicle movements to and from the application site, in relation to the nearby noise-sensitive residential receptors, of which are properties on Jacksons Lane, 'Went Edge Farm' and the residential properties in Kirk Smeaton.

- 7.7 The original survey, dated 28 November 2014 submitted with this application indicated that *'the predicted sound levels thereby comply with current guidance on noise from minerals excavation and surface workings quantified in the 'Planning Practice Guidance' to the NPPF which is that they should not exceed the existing background sound levels by more than 10 dBA at any dwelling at any time'*.
- 7.8 However, following consultation with Selby District Council's Environmental Health Officer (EHO), a further Noise Impact Assessment, dated 27 February 2017 and a Limestone Blasting Report, dated February 2017 were undertaken and submitted to the County Planning Authority to take into account the residential property of 'The Cottage'. The Noise Impact Assessment concluded that *'the sound levels from the proposed quarry extension as reaching the nearest dwellings are predicted to be below the existing background sound levels at all times, with the exception of at The Cottage where the sound level from the nearest extension (Area 7) is predicted 7 dBA above the background.'* In terms of the Limestone Blasting Report, the report concluded that *'all the monitoring records shows that the quarry blasting complies with the limit of 6mm/s for 95% of the blasts and is always below that level and between 1 and 3 mm/s. Air overpressure has been measured at 105 and 113 dB at the boundaries of the site and is below the levels that would cause rattling windows or chinking crockery of 150 dB'*.
- 7.9 On the basis of the additional information submitted and the observations of the EHO it is considered that the noise monitoring and modelling has been carried out in accordance with the relevant planning practice guidance for mineral development.
- 7.10 The EHO has provided comments in relation to the proposed development and the information submitted however, no objection has been submitted subject to recommended conditions being attached. Therefore, to secure further mitigation against the potential impacts of noise and vibration, it is proposed that the conditions requested by the Environmental Health Officer in relation to hours of operations, noise levels, blast monitoring and notification and vibrations levels would be included in any decision notice as may be granted.
- 7.11 In light of the above it is considered that the unavoidable noise from the site can be controlled and mitigated to minimise the impact in accordance with paragraph 144 of the NPPF and compliant with 'saved' Policies 4/1(c & e) and 4/14 of the NYMLP (1997), 'saved' Policy 4/19 of the NYWLP (2006), Policy SP19 of the Selby District Core Strategy Local Plan (2013) and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005).
- Local amenity (air quality)
- 7.12 It is noted that objections have been received in relation to the impact upon local amenity and the cumulative impacts of dust from continued quarry operations and it is acknowledged that the proposed extraction of limestone at the site has the potential to generate dust emissions that could have an impact upon local amenity. As such, an air quality assessment which forms part of the ES (Chapter 6) was submitted by the applicant. The assessment indicated that PM10 levels associated with health issues are unlikely to be emitted from the operation. In addition, the assessment confirmed that there is no risk to the health of humans from the emissions at the quarry or on the health of the flora in the area based on the assessment and conclusions of the report.

- 7.13 The assessment concluded that the without mitigation, dust impacts could occur when conditions are such that the risk of dust propagation is increased, such as periods of dry and windy weather. As such, mitigation was recommended which included:
- general good management of the site;
  - use of clean water for dust suppression, to avoid re-circulating fine material;
  - high standards of house-keeping to minimise track-out and wind-blown dust;
  - a preventative maintenance programme, including readily available spares, to ensure the efficient operation of plant and equipment, and
  - effective staff training in respect of the causes and prevention of dust.
- 7.14 In conclusion the assessment concludes that *'the proposed activities at Went Edge Quarry, Kirk Smeaton, could be operated in a manner unlikely to cause adverse dust impacts in its vicinity'*. Therefore, the assessment considers it is possible to manage the operations on site so that provisions could be made to ensure that unacceptable fugitive dust impacts are not caused.
- 7.15 On the basis of the information submitted the EHO has raised no objections to the proposal subject to recommended conditions being attached. Therefore, it is considered that to secure further mitigation against the potential impacts of dust, it is proposed that the conditions requested by the EHO in relation to sheeted HGV's and dust management would be included in any decision notice as may be granted.
- 7.16 It is acknowledged that the potential for dust generating sources have been recognised and assessed and there have been no objections raised by the EHO. Therefore, it is considered that the dust can be sufficiently controlled and mitigated to minimise the impact in accordance with paragraph 144 of the NPPF, and compliant with 'saved' Policies 4/1(c & e) and 4/14 of the NYMLP (1997), 'saved' Policy 4/19 of the NYWLP (2006), Policies SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan (2005).
- Local amenity (lighting)
- 7.17 In relation to lighting it is acknowledged that the EHO consultation response dated 10 January 2017, states that *'no consideration was been given in to artificial lighting in the Environmental Statement despite my request for this are to be included'*. It is requested that should lighting be part of this application, then details should be conditioned. However it is considered that there are no lighting proposals as part of the application therefore it is not considered appropriate to condition any lighting details in relation to the application.
- Landscape and visual impact, restoration and aftercare
- 7.18 The objections received in relation to the impact upon the character of the surrounding area are noted. Chapter 11 of the ES assesses the landscape and visual impact of the proposed extension. The application site is located within the open countryside and also within the Selby Green Belt. The landscape to the south of the quarry is classified as the 'West Selby Limestone Ridge' and is characterised by its rolling ridge landform with shallow valleys with long views over arable farmland and low cut hedgerows, often with gaps. The application site is within the Southern Magnesian Limestone Locally Important Landscape Area. To the north of the site is the Went Valley Gorge which has steep broad-leaf wooded sides. There is a long history of limestone extraction in this area which has had an influence on the landscape character.

- 7.19 As noted previously, the current application represents an extension to existing minerals workings at an existing and established minerals quarry site. As explained in paragraph 3.3 and in relation to the current proposal, views would be limited during operations by screening bunds that would be created along the boundaries of the application site. It is also noted that the existing plant and workings are below the surrounding ground levels which are screened from view. The County Council's Principal Landscape Architect, Ecologist, Natural England and the Yorkshire Wildlife Trust have all advised on the proposed screening mitigation proposed by the applicant, in addition to the proposed restoration and aftercare schemes for the site. With regards to these matters it is considered that to secure further mitigation against the landscape impacts of it is proposed that the conditions relating to screening, restoration and aftercare would be included in any decision notice as may be granted. Therefore, it is considered subject to these conditions that the proposed development is in compliance with 'saved' policy 4/1(d) of the NYMLP (1997) and 'saved' Policies 4/3 and 4/10 of the NYWLP (2006), in relation to the landscape impacts of the proposed development.
- 7.20 It is considered that the proposed restoration scheme for Areas 4 and 7 of a progressive, low-level restoration of the site, re-creating many of the features of a magnesian limestone valley, similar to that of Went Valley with the aim of creating a magnesian limestone grassland (with the exception of Area 6) is in keeping with the scheme previously approved for the adjacent workings and as such is appropriate to the character of the wider surrounding area. The proposed scheme includes the retention of rock faces and the step and bench form of the quarry sides, with scree slopes created against their bases by the deposition of quarry wastes. The slopes will vary from vertical to 1 in 3. A level area at the base of the quarry will be retained. Minor irregularities due to the rock strata will be retained and others created within the spreading of waste fines over the base. On some of the benches trees and shrubs will be planted to reflect the wooded limestone slopes of the area. Beyond the quarry void, hedgerows will be reinstated and extended and a strip of woodland planted along Went Edge Road to strengthen the structure and condition of the landscape pattern of large rolling fields with occasional blocks of woodland. The final restored landform will be achieved through the low level filling of the void space following extraction (to an average level of 26 metres AOD) using materials generated from operations at the site. It is acknowledged that Restoration Proposals Plan (ref: M/WE/275/10) (appendix I) refers to the industrial units being relocated to base of the quarry. The relocating of the industrial units is not part of this application and any future proposal to relocate the units would need a separate grant of planning permission. Therefore, this part of the restoration proposals area labelled as 're-located industrial units' is to be considered an indicative plan and the restoration of that area currently would be to a magnesian limestone grassland in accordance with the wider scheme.
- 7.21 In relation to the proposed restoration for Area 6, it is proposed that Area 6 would be backfilled and returned to agricultural use. The void will be backfilled and compacted in layers up to 850mm below the final surface level. Once the profile has been formed, finely graded material (subsoils and quarry wastes), will be spread to 150mm depth across the valley floor and as a blinding layer. The blinding layer will be crowned to allow for surface water runoff. Subsoils from the on-site stockpiles will be spread to a minimum of 350mm depth across the blinding layer, then subsoiled prior to topsoil spreading to a minimum of 350mm depth. Topsoil shall be from on-site stockpiles. The actual depth of soils shall be such that the minimum depths are achieved after settlement. The final land surface would be at the same level as the pre-extraction levels and would be lightly domed to avoid surface water ponding. It is intended that area 6 is returned to agriculture, as Grade 3a agricultural land within a framework of hedgerows and woodland.

- 7.22 It is acknowledged that the restoration of Area 6 would involve the importation of inert waste to infill the quarry void and it is therefore considered that the proposed development includes proposals for additional inert waste landfill capacity. It is acknowledged that the proposals are in partial conflict with 'saved' Policy 6/1 of the NYWLP (2006) due to the proposed additional landfill capacity for the disposal of inert waste. However, it is considered that there is a demonstrated need for the stone to be extracted from the area of 1.9 hectares to the west of the access (Area 6) (as set out in paragraphs 7.2 to 7.5), to the depth proposed; and, there is no realistic possibility of using solely existing on-site material to restore the land to an acceptable landform. In acknowledging this and taking into consideration that the proposed extraction and nature of the landscape in the area including that the access track would remain at original ground levels with voids on either side as a result of extraction of Areas 5 & 6, it is considered that in order to ensure that the need for Area 6 to be restored to an acceptable landform, this creates an overriding need for the landfilling proposed as part of this development. It is considered that the nature of the surrounding landscape means that restoration in same manner as Areas 5 & 7, (i.e. a magnesian limestone valley) would result in a greater impact upon the area and therefore the infilling with inert waste is required to create an appropriate and satisfactory restoration scheme. It is considered that the infill would be of inert waste only in addition to the provision that already occurs via the existing recycling operation at Went Edge Quarry for the selective recycling of waste which would continue as part of this proposal. It is also considered that the highway network and site access can satisfactorily accommodate the HGV movements in relation to the restoration. Therefore, it is considered that the final restored landform would result in neutral impact upon the current character of the site, wider surrounding area and the local amenity. Further to which, it is considered that the proposed development represents a suitable scheme of working and restoration and that the proposal is in compliance with 'saved' Policies 4/17 and 4/18 of the NYMLP (1997) and 'saved' Policies 4/21 and 4/22 of the NYWLP (2006) as the proposed restoration scheme would ensure that the final restored land is to an appropriate standard, with the landscape impacts of the scheme being acceptable as it is considered the restored landform for Area 6 would have a positive impact upon the surrounding area in the relation to restoring the extraction area from a quarry void back into the a landform that would blend with the current surrounding area.
- 7.23 A 10 year aftercare period (5 year statutory period and an additional 5 years to be secured by a Section 106 Agreement) is also proposed as part of the application and it is considered appropriate for this to be secured by a Section 106 Agreement. It is also acknowledged however, that there may be some management operations that will be carried out on an occasional basis in perpetuity. The proposed Restoration Proposals, Aftercare and Management Plan, dated August 2016 states that each September each year an assessment will be made of the vegetation, both introduced and naturally regenerated, to decide on specific management operations for the following year. It is considered that this will provide the opportunity to identify any natural regeneration, and decide on whether and how these are to be encouraged and managed.
- 7.24 It is, therefore considered that the restoration on the site can be achieved to a high standard and would be subject to aftercare management (secured by a Section 106 Agreement). Further to which, it is considered the proposed development accordance with the NPPF and in compliance 'saved' Policies 4/1(f & g), 4/17, 4/18 and 4/20 of the NYMLP (1997), 'saved' Policies 4/10, 4/21, 4/22 and 4/23 of the NYWLP (2006) and 'saved' policies ENV15 and ENV21 of the Selby District Local Plan (2005).



### Green Belt

- 7.25 It is noted that objections have been received in relation to the development within the greenbelt and it is acknowledged that a significant constraint affecting the determination of this planning application is the Green Belt in which the site is located. The NPPF and Selby District Core Strategy attach importance to Green Belts and inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.26 When considering applications within the Green Belt, in accordance with the NPPF (2012), paragraph 90 states that mineral extraction is not inappropriate providing that development preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Therefore it is necessary to consider whether the proposed development will firstly preserve the openness of the Green Belt and secondly ensure that it does not conflict with the purposes of including land within the Green Belt.
- 7.27 Openness is not defined, but it is commonly taken to be the absence of built development. Although the proposed development would be on existing agricultural land, it is considered that because the application site immediately abuts the existing operational quarry, it would not introduce any further built development into this area (as stated in paragraph 7.20 the relocating of the industrial units is not part of this application and any future proposal to relocate the unit would need a separate grant of planning permission). Consideration has also been given to the visual impact of the proposed development and it is acknowledged that the existing quarry processing plant and machinery are located at the base of the quarry, therefore, being screened from view. Therefore, it is not be considered to conflict with the aims of preserving the openness of the Green Belt. It should also be considered that the proposed development is a temporary use of land and would also be restored progressively upon completion of extraction operations within each Area. Therefore, it is considered that the proposed development preserves the openness of the Green Belt.
- 7.28 In considering whether the proposed development does, or does not, conflict with the purposes of including land within the Green Belt, it is necessary to have regard to the five purposes of Green Belt:
- *to check the unrestricted sprawl of large built up areas;*
  - *to prevent neighbouring towns merging into one another;*
  - *to assist in safeguarding the countryside from encroachment;*
  - *to preserve the setting and special character of historic towns; and,*
  - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land’.*
- 7.29 The proposed quarrying operations do not impact on the Green Belt purpose of checking the unrestricted sprawl on built up areas. That purpose continues to be maintained and there is no conflict. Similarly the purposes of including land within the Green Belt to prevent the merging of neighbouring villages such as Kirk Smeaton and Wentbridge and impacts upon the setting and character of historic towns are not impacted by the development and there is no conflict. It is not considered that the proposed development would undermine the objective of safeguarding the countryside from encroachment as it should be considered that the site is in conjunction with an operational quarry which would be restored. As previous stated the proposed development is a temporary use of land and would also be restored progressively upon completion of the mining operations within each Area.

- 7.30 Given the situation of the application site, adjacent to an existing operational quarry, its rural nature, and the fact that minerals can only be worked where they are found, it is considered that the site would not, therefore, undermine this aim of the Green Belt. The use of imported material as part of the restoration of Area 6 to original ground levels will assist in reinstatement of the intrinsic character of the countryside to the west of the access road to the quarry. The developer's aspirations regarding the industrial estate do not form part of this application and therefore there is no conflict with Green Belt policy arising from that as the proposed restoration is suitable for the location.
- 7.31 As discussed in paragraphs 7.20-7.22 the restoration scheme is considered to be acceptable and the proposed 10 year aftercare plan is secured through a Section 106 Agreement. Therefore, it is considered that there are appropriate controls to ensure adequate restoration of the site. Further to which, it is considered that the proposed development is not considered to be inappropriate development within the Green Belt due to the acceptability of the proposed restoration of the temporary quarry and the fact that it is considered the proposal does not conflict with the aims of the Green Belt, it is considered that the proposed development would not materially harm the character and openness of the Green Belt, and would, therefore, be in accordance with the NPPF (2012) and would comply with Policy SP3 and SP13 of the Selby District Core Strategy Local Plan (2013).

#### Impact upon public rights of way

- 7.32 It is acknowledged that a footpath (Public Right of Way path number: 35.43/9/2) meets the north side of Went Edge Road at the south-west corner of the Area 6 of the application area and that the footpath heads north-west away from the application site towards the Went valley through the Brockadale SSSI and SINC sites near the A1 Wentbridge viaduct. It is noted that the Principal Landscape Architect consultation responded dated 22 December 2016 the comments that *'the proposal would bring quarrying closer to the A1 and it is likely to be locally visible, particularly from the adjacent PROW (path number: 35.43/9/2) which links with Brockadale and the Went Valley.'* It is considered that the landscape and visual impact of the proposed development have been previously discussed and considered acceptable. Further to which, it is considered there would be no proposed physical encroachment or disruption to the existing public rights of way. The application was subject to consultation with the NYCC Public Rights of Way Team and their consultation response dated 9 March 2017 states that *'No rights of way are affected by this proposal'*. It is therefore considered that the proposed development has no adverse impact upon any public right of way and is therefore in compliance with 'saved' Policy 4/14 of the NYMLP (1997), and 'saved' Policy 4/20 of the NYWLP (2006).

#### Impact upon agricultural land

- 7.33 The objections in relation to the loss of agricultural land are noted and it is acknowledged that the proposed development would involve the permanent loss of approximately 6.1 hectares out of the total 8 hectares, of which is Grade 2 agricultural land which is within the top three grades of agricultural land and also referred to as 'Best and Most Versatile' land.
- 7.34 It is further acknowledged that the land is of value to the agricultural economy, and also the stance of national policy to avoid the loss of high grade land. However, it is considered that minerals can only be worked where they are found and the proposed development would be a sustainable extension of an existing quarry which would utilise existing infrastructure in place at Went Edge Quarry. It is also considered that the retention of employment at the quarry and the wider economic benefits of the proposed development should be given weight and consideration.

- 7.35 It is, considered that whilst the loss of such high quality agricultural land is not desirable, as stated in the NPPF (2012), the wider economic benefits of the proposed development would outweigh the proposed loss of 'Best and Most Versatile' land and therefore in this instance the proposed loss is acceptable and does not conflict with the NPPF (2012). The economic importance of minerals to the country is also recognised within the NPPF (2012). Further to which, it is also considered that the proposed restoration of Area 6 would be to restore 1.8 hectares as Grade 3a agricultural land within a framework of hedgerows and woodland. The restoration of Area 5 would also include areas of limestone grassland with have the potential for low intensity nature conservation grazing. It is therefore considered that, the proposed development complies with the principles of the NPPF (2012) and is in compliance with 'saved' Policy 4/18 of the NYMLP (1997) and 'saved' Policy 4/7 of the NYWLP (2006).

#### Ecology

- 7.36 Due to the location of the proposed development in the open countryside and being adjacent to the Brockadale SSSI, the impact of the development upon Ecology and bio-diversity forms an important consideration in the determination of this planning application. It is noted that objections have been received in relation to the impact of the proposal upon Brockadale Nature Reserve and the considered loss of habitats and biodiversity. It is acknowledged that Chapter 10 of the ES assesses the ecological impact of the proposed extensions and it is further noted that the application sites are presently agricultural arable land. The County Council's Ecologist, Natural England and Yorkshire Wildlife Trust have been consulted upon the application and the consultation responses raise no objection to the proposals. However, comments were received in relation to the SSSI and the long-term management of the site, restoration and aftercare.
- 7.37 Notwithstanding the above comments, it is considered that subject to securing the proposed mitigation through the inclusion of a planning condition the development would preserve the sites of nature conservation interest and protected species and, via the restoration, has the potential to enhance biodiversity in the area.
- 7.38 Therefore, it is considered that the proposed development will not have an adverse impact upon ecology on the basis that the site is restored in accordance with the restoration and aftercare scheme secured by condition, and the imposition of a 10 year aftercare period secured through a Section 106 Agreement. It is therefore considered that the development would be in accordance with paragraphs 109 and 118 of the NPPF and complies with 'saved' Policies 4/1(c) and 4/6A of the NYMLP (1997), 'saved' Policies 4/10, 4/21 and 4/22 of the NYWLP (2006), Policies SP15 and SP18 of the Selby District Core Strategy Local Plan (2013) and 'saved' Policy ENV1 of the Selby District Local Plan (2005).

#### Impacts upon the water environment

- 7.39 It is noted that objections have been received in relation to the impact upon proposed extensions upon the watercourse of the River Went. Chapter 8 of the ES assesses the hydrology and hydrogeology in relation to the impact of the proposed extension. It is also acknowledged that under 'saved' Policy 4/10 of the North Yorkshire Minerals Local Plan, proposals will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. Under Selby District Local Plan Policy ENV2 proposals with the potential to pollute groundwater will not be permitted unless satisfactory preventative measures are taken, this is further supported by the pollution and water quality protection element of Policy SP18 of the Selby District Core Strategy. The basis of the aims of each of these three policies are included in the general provisions of the NPPF, which aims to prevent new development from contributing to unacceptable levels of soil, air or water pollution.

- 7.40 There are no surface water connections within the quarry likely to be affected by the extraction and application site would not occupy land in contact with River Went. The Environment Agency has not objected to the proposal on the basis of the findings of site investigation report undertaken by the applicant which shows the water table is 6 metres below the proposed base of the quarry, whilst the River Went will not be affected by the development.
- 7.41 For the reasons detailed above, it is considered that the proposed development will not have a detrimental impact on surface or groundwater resources, but it is considered acceptable to impose conditions to require that there is no contamination of surface or groundwater to ensure pollution is prevented in accordance with the NPPF, 'saved' Policy 4/10 of the North Yorkshire Minerals Local Plan and 'saved' Policy ENV2 of the Selby District Local Plan and the pollution and water quality elements of Policy SP18 of the Selby Core Strategy.

#### Highways matters

- 7.42 The objections in relation to traffic and highways safety are noted. It is also noted that improvements in relation to the planning permission for Area 3 (ref. C8/45/13AE/PA, granted 25 July 2013), and the road works schemes in relation to the planning permission for Area 4 (ref. C8/45/13AJ/PA, dated 30 September 2015) have been carried out, which include improvements to the site access and its junction with Went Edge Road. It is considered that the improvements have been carried out to acceptable standards with good visibility along Went Edge Road.
- 7.43 Chapter 5 of the ES assesses the transport and highways impacts in relation to the impact of the proposed extension. The impact of the proposal upon the public highway has been taken into consideration and it is noted that due to the close proximity of the Went Edge Road and the A1, the proposed development does have the potential to result in cumulative impacts upon the public highway and its safety. It is considered however, that there are no changes to the current mineral workings in relation to the HGV movements to and from the quarry site in relation to the proposal. The mineral would continue to be extracted on a consecutive, phased basis and traffic generated by the quarry would be based on an output of approximately 550,000 tonnes per annum. There are no proposed changes to the operating hours or HGV movements in relation to the quarry and the proposed development. The applicant has confirmed there are approximately 100 HGV vehicle movements entering the site and 100 HGV vehicle movements leaving the site on a daily basis, both with a permitted maximum of 110 (a total of 220 HGV movements). The quarry access off Went Edge Road would remain unchanged and HGV traffic where visibility in both directions is clear.
- 7.44 Therefore, whilst the potential exists for cumulative impacts resulting from the continued operation of the quarry for a prolonged period and the potential for impacts relating to dust and safety, the impact is considered likely to be limited due to the proposed mitigation procedures relating to the public highways which, include speed controls on site, that all outgoing vehicles would use the existing wheel wash facilities for the purposes of cleaning debris from the vehicle, will be checked for overloading to avoid spillage, all HGV's shall be sheeted and all permanent surfaces on site shall be swept regularly. It is considered that, whilst acknowledging the proposed extension to the lifespan of the quarry, such impacts upon the public highway already presently exist due to current workings until September 2023 and that the impact of the proposed development would have a neutral effect upon the working and therefore a limited additional impact upon the public highways to that which is currently permitted. Further to which, Highways England and the Highway Authority have not raised objections to the proposal, however the Highway Authority did

request conditions regarding use of existing access; existing wheel washing facilities and a highways condition survey.

- 7.45 Therefore, it is considered the impact upon the public highway is unlikely to be exacerbated by this specific proposal and therefore acceptable. It is considered that subject to the conditions referred to the proposal is consistent with paragraph 32 of the NPPF (2012) and compliant with 'saved' Policy 4/13 of the NYMLP (1997), 'saved' Policy 4/18 of the NYWLP (2006), and 'saved' Policy T1 of the Selby District Local Plan (2005).

#### Archaeology

- 7.46 Chapter 12 of the ES (Archaeology investigation) confirms that in light of previous archaeological excavations associated with previous phases of quarrying at this location and the desk top study in relation to the proposal *'there was evidence of habitation and farming practice from pre historic times through the Roman period to Anglo Saxon times'* and it is considered that the extension areas have the potential to provide evidence of undesignated assets in the form of Iron Age and Romano-British activity.
- 7.47 The County Principal Archaeologist acknowledges that the principal archaeological resource previously identified consisted of Iron Age and Romano-British field enclosures, relating to a former fort or enclosure at Castle Hill to the north. The County Principal Archaeologist agrees with the applicant that features identified in the previous fieldwork are of regional significance and would not preclude development. The County Principal Archaeologist states agreement with the recommendation that a methodology for archaeological recording should be implemented within the proposed extensions and that a condition is attached to any permission granted to secure the implementation of such a scheme of archaeological mitigation recording.
- 7.48 An archaeological evaluation report was also submitted in support of the application and the report confirms that *'the evaluation consisted of five trial trenches across the proposed development area most of which targeted anomalies identified by a preceding geophysical survey.'* The trenches are located within Area 5 with Four trenches measured 15 metres in length by 2 metres in width whereas the remaining one measured 5 metres by 5 metres. The report states that *'Archaeological features were encountered within Trench 1 and Trench 2 consisting of shallow ditches or gullies.'* The report indicates that within *'Trench 1 contained a linear feature identified by the geophysical survey which corresponded to at least three parallel small ditches cutting the natural sub-stratum and were aligned approximately north to south. Along the western side of the ditch a line of stake holes was identified which constituted a field boundary which might have been associated with the possible central ditch.'* In relation to Trench 2 the report states that *'An E-NE/W-SW linear anomaly identified by the geophysical survey in Trench 2 was discernable and consisted of a regular and shallow gully/ditch. The gully had concave sides, flat base and was filled by a fine orangey brown silty clay deposit.'* The report summaries that *'No artefacts were found within the excavated layers of the entire site or within the archaeological deposits, and thus the archaeological features encountered cannot be dated'* before concluding that *'based on the results described above, the trial trenching evaluation revealed very few significant archaeological remains which will be impacted on by the proposed development'*.
- 7.49 In light of the above, it is considered that the impact of the proposal upon the archaeology and the cultural heritage assets would be limited and therefore the proposal is in accordance with policy set down in respect of undesignated heritage assets within the NPPF and in compliance with 'saved' Policy 4/15 and 4/16 of the NYWLP (2006), and 'saved' Policy ENV28 of the Selby District Local Plan (2005).

### Legal Agreement

- 7.50 It has been noted earlier within this report that matters pertaining to the long-term restoration and aftercare management of the site would be subject to the completion of a Section 106 Agreement. It is acknowledged that the past workings at the site (Area 3 and 4) have been subject to similar Section 106 Agreements relating to the restoration and aftercare of the site. Therefore, prior to any potential grant of planning permission for this development, a Section 106 Agreement is required to be entered into relating to the long-term progressive restoration which is proposed to be completed by 1 January 2030, a 10 year aftercare management scheme and the setting up of a steering group between the applicant, Nature England and the Yorkshire Wildlife Trust in relation to the proposed extensions of Area 5, 6 & 7. In the event that planning permission is granted for this development, the issuing of a decision notice will be subject to the completion of the Section 106 Agreement.

## **8.0 Conclusion**

- 8.1 There are no material planning considerations to warrant the refusal of this application for the 8 hectare extension to the existing limestone quarry, into Area 5 and into Area 7 from the west and east sides of Area 4 respectively and into land on the west side of the quarry access (Area 6), to 20 metres AOD. To provide 4.4 million tonnes of limestone and restore Areas 5 & 7 with engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face, in addition Area 6 would be restored to original ground levels using quarry waste and imported inert waste.
- 8.2 The application along with the supporting Environmental Statement and additional schemes have been assessed and it is considered that there would be no unacceptable adverse environmental impacts resulting from the proposed development. Furthermore, it is considered that the proposed development would not result in any adverse impacts upon local amenity, the character of the surrounding area and landscape, the Green Belt, the local highway network, ecology or the water environment. For this reasons it is considered that the principle of the development in this location is acceptable.
- 8.3 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

## **9.0 Recommendation**

- 9.1 For the following reasons:
- (i) the principle of the development is acceptable;
  - (ii) there will not be an adverse impact upon local amenity, subject to further controls and mitigation secured through condition;
  - (iii) the impacts upon the local landscape will not be adverse, subject to further controls and mitigation secured through condition;
  - (iv) there would be no negative impact upon the openness or the purposes of including land within the Green Belt and as such it is considered not to be an inappropriate development;
  - (v) there will not be an adverse impact upon the highway network;
  - (vi) there will not be an adverse impact upon the ecology of the site, subject to further controls and mitigation secured through condition;
  - (vii) there will be no detrimental impact upon surface or groundwater resources;

- (viii) the proposals accord with the National Planning Policy Framework, the National Planning Policy for Waste, the Planning Practice Guidance, with elements of 'saved' Policies 4/1, 4/6A, 4/10, 4/13, 4/14, 4/17, 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (1997), 'saved' Policies 4/1, 4/3, 4/7, 4/10, 4/15, 4/16, 4/18, 4/19, 4/20, 4/21, 4/22, 4/23 of the North Yorkshire Waste Local Plan (2006), Policies SP1, SP3, SP13, SP15, S18 and SP19 of the Selby District Core Strategy (2013) and 'saved' Policies ENV1, ENV2, ENV15, ENV21, ENV28, T1 and EMP9 of the Selby District Local Plan (2005).

That, subject to prior completion of a Legal Agreement relating to a Restoration, Aftercare and Management Plan, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

### **Conditions**

#### Duration of Permission

1. The development hereby permitted shall be implemented no later than the expiration of three years from the date of this decision. Written notification of the commencement of the development shall be forwarded to the County Planning Authority within seven days from the commencement.
2. The planning permission hereby granted is valid only for 8 years from the commencement of the development, after which time operations in relation to mineral extraction shall be discontinued and the land restored entirely by 1 January 2030 in accordance with restoration aftercare proposals detailed under Conditions 29 & 30.

#### Definition Of Development

3. The development hereby permitted shall be carried out in strict accordance with the Application Form, dated 16 November 2016; and the list of 'Approved Documents' at the end of the Decision Notice and the following conditions which at all times take precedence.

#### Limitations To and Control Of The Development

#### Withdrawal of Permitted Development Rights

4. Notwithstanding the provisions of Town & Country Planning (General Permitted Development) Order 2015 or any other order revoking or re-enacting the order, no plant or buildings shall be erected within the application site without the prior grant of planning permission by the County Planning Authority.

#### Local Amenity

##### *Hours of working*

5. There shall be no minerals extraction, processing, vehicle movements, soil stripping, infilling or works in relation to restoration carried out at the site except between the following times:  
07:00 – 19:00hrs Monday to Friday  
07:00 – 13:00hrs Saturdays.  
And at no times on Sundays and Bank (or Public) holidays.

##### *Noise*

6. The drilling of vertical holes and blasting shall not take place except between the hours of 09:00 hours and 17:00 hours Monday to Friday.

7. Prior to the drilling of vertical holes and the blasting the operator shall notify occupiers of properties on Jackson Lane of the date and times that drilling and blasting shall take place.
8. Blasting operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 6mm/second at any properties on Jackson Lane and the property of 'The Cottage'.
9. Within 1 month of the date of this planning permission and prior to the commencement of mineral extraction within Area 6 & 7, a scheme for the monitoring of blasting shall be submitted to and approved by the County Planning Authority. Thereafter monitoring shall be undertaken in accordance with the approved scheme and if the results of monitoring show that the limit as stated in Condition Number 8 above is exceeded, blasting practice at the site shall be modified to ensure compliance with the limit specified in Condition Number 8.
10. 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 plant, machinery and vehicles are operating in proximity to residential properties, non-audible reverse or white noise warning alarm systems shall be deployed.
11. The equivalent continuous noise level due to operations at the quarry during day time hours (07:00-19:00) shall not exceed the background noise level (LA90) by more than 10dB(A) at any residential premises. Measurements shall be hourly LAeq measurements and be corrected for the effects of extraneous noise.
12. In the event that any noise levels specified in Condition 11 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps taken to attenuate the noise level to ensure compliance with the provisions of Condition 11.
13. Notwithstanding the noise limits imposed within Condition 11 a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) at any residential premises is permitted for up to 8 weeks in a calendar year to facilitate essential site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds, construction of new permanent landforms and aspects of site road maintenance.

*Air Quality*

14. 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.
15. Steps shall be taken to ensure that the site is operated at all times to minimise dust emissions, and in particular during periods of high winds. Such measures shall include the spraying of roadways and stockpiles and discontinuance of soil movements during periods of high winds.
16. In accordance with the Dust and Air Quality Assessment, dated April 2016, in the event that an assessment of dust emissions and/or the results of formal monitoring indicate that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the County Planning Authority. The measures subsequently approved in writing by the County Planning Authority shall be implemented within such period as may be required by the County Planning Authority.



### Protection of the Natural Environment

17. The development hereby permitted shall be carried out in strict accordance with the 'Ecological Impact Assessment', dated September 2016 and the mitigation measures detailed within Paragraphs 8.2.1 to 8.6.5.
18. No excavation within Areas 5, 6 & 7 shall take place below 20 metres AOD at any time.
19. No de-watering shall take place at the site.
20. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. 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.

### Archaeology

21. Within 1 month of the date of this planning permission and prior to the commencement of mineral extraction within Area 6 & 7, a Written Scheme of Investigation shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include an assessment of significance and research questions; and
  - i) The programme and methodology of site investigation and recording;
  - ii) Community involvement and/or outreach proposals;
  - iii) The programme for post investigation assessment;
  - iv) Provision to be made for analysis of the site investigation and recording;
  - v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - vi) Provision to be made for archive deposition of the analysis and records of the site investigation; and
  - vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

### Soil Stripping and Management

22. No soils shall be stripped, moved, placed or removed unless in a dry and friable condition. During soil stripping, placement and removal, machinery shall be routed so as to avoid compaction of such soils.
23. All topsoil and subsoil shall be permanently retained on site and until used in restoration.
24. Topsoil and subsoil shall each be stripped separately to their full depth, taking care that they do not mix.

### Traffic and Highways

25. 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 Went Edge Road. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during operations.

26. The total number of HGV vehicle movements associated with the mineral extraction and restoration shall not exceed 220 per day.
27. The existing wheel wash facilities shall be kept in full working order at all times. All vehicles involved in the transport of materials or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.

#### Abandonment

28. 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 restoration and landscaping shall be submitted to the County Planning Authority for approval within 12 months of the cessation. The approved scheme shall be implemented in accordance with the programme to be included within that scheme.

#### Restoration and after-care

29. The restoration of the site shall be completed by 1 January 2030 and shall be carried out in accordance with the details contained in the 'Restoration Proposals, Aftercare and Management Plan' dated August 2016 and the Restoration Proposals Plan (ref: M/WE/275/10) dated August 2016 as superseded by the restoration masterplan to be approved under Condition 30.
30. Within 18 months of the date of this planning permission, a restoration masterplan for the total area of land under the control of Applicant as referred on the Application Plan ref. WEQ/16-01, dated July 2016 (including details regarding the area of the re-located industrial units) shall be submitted for approval by the County Planning Authority. The masterplan shall detail the final landform and after use and details of mitigation and enhancement measures. Thereafter the Quarry which shall be restored in accordance with the approved masterplan
31. Every 12 months from the date of this permission or at such other times as may be agreed in writing with the County Planning Authority, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the scheme approved under Condition 29 and a revised scheme shall be submitted to the County Planning Authority for approval providing for the taking of such steps as may be necessary to continue the satisfactory landscaping, working, restoration and aftercare of the site including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such works shall be carried out in accordance with the approved schemes.
32. Nothing other than the following inert materials shall be tipped on the site in relation to the restoration of Area 6: Topsoil (uncontaminated), subsoil (uncontaminated), stone, clay, sand (excluding foundry sand), brickwork, breeze blocks and mortar, fired pottery, china, tiles and ceramics (excluding moulds), concrete (reacted) including steel reinforcement, weathered tar/bitumen aggregate, gravel, slate, hardcore, silica and silt.

#### Record of Planning Permission

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

## **Reasons**

1. In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. To reserve the rights of control by the County Planning Authority to ensure the restoration of the land with the minimum delay in the interests of amenity and protecting the character of the area.
3. To ensure the development is carried out in accordance with the application details.
- 4.-5. To reserve the rights of control by the County Planning Authority in the interests of protecting local amenity.
- 6.-16. (incl.) In the interests of protecting local amenity.
17. To protect the nature environment.
- 18.-19. To ensure that the water resource is protected from pollution.
20. To prevent pollution.
21. The site is of archaeological interest.
- 22.-24. To safeguard the topsoil and subsoil resource in the interests of achieving a high standard of restoration of the site.
25. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
- 26.-27. In the interests of highway safety and amenity.
28. To conserve and/or enhance the natural features and character of the site and to both offset the impact on wildlife experienced during the working of the mineral and to maximise the opportunity for securing positive benefits for nature conservation once mineral workings cease.
- 29.-32. To secure a good standard of progressive restoration in the interests of amenity and protecting the character of the area.
33. To ensure that site personnel are aware of the terms of this planning permission.

## **Informatives**

### **Removal of Waste**

1. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

### **Importation of Waste**

2. If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from the Environment Agency. The applicant is advised to contact the Environment Management team on 03708 306 306 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>

- Restoration plan
3. If the current restoration proposals change and any other waste types (hazardous or non-hazardous) are proposed that are not identified in the Restoration Proposals, Aftercare and Management Plan, a further water risk assessment will be required.
- Abstraction licence
4. The applicant has indicated the use of water on site for activities including dust suppression, wheel washing and the watering of public roads, but there doesn't seem to be any indication of where this water is sourced. The site does not currently benefit from an abstraction licence and if this water is taken from the local environment (either from surface water or groundwater) and is required in quantities exceeding 20 cubic metres per day, the applicant will need to apply for a licence.
- Dewatering
5. The applicant has indicated that the water table is below the base of the quarry and that standing water is not actively removed, which suggests that no dewatering is carried out on site. However, it is worth noting that the abstraction licensing exemption on quarry dewatering is due to be removed in 2017, which means that if the operation changes in future and dewatering has to be carried out, the applicant will need to apply for an abstraction licence.
- Historic Landfill
6. The Environment Agency have records of an historic landfill in the area of the Smeaton Industrial Park. It is noted that this area is not included within the red line site boundary, however, the operator must ensure that the historic landfill is not affected or its stability compromised as a result of their works.

**Approved Documents:**

Reference:	Date	Title
---	16 November 2016	Application Form
---	September 2016	Environmental Statement
---	September 2016	Environmental Statement Non-Technical Summary
---	16 September 2016	Covering Letter from Cromwell Wood Estate Company Ltd
---	August 2016	Planning Statement
WEQ/16-01	July 2016	Application Plan
WEQ/16-04	July 2016	Phasing and Cross Section Positions
WEQ/16-06	July 1016	Total Excavation of Area 5
WEQ/16-07	July 1016	Total Excavation of Area 6
WEQ/16-08	July 1016	Total Excavation of IDO Area
WEQ/16-09	July 1016	Total Excavation of Area 7
WEQ/16-10	July 1016	Restoration Design
---	12 September 2016	Ecological Impact Assessment
---	27 February 2017	Noise Impact Assessment
---	February 2017	Limestone Blasting Report & Appendix

M/WE/275/10	August 2016	Restoration Proposals
	August 2016	Restoration Proposals, Aftercare and Management Plan

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

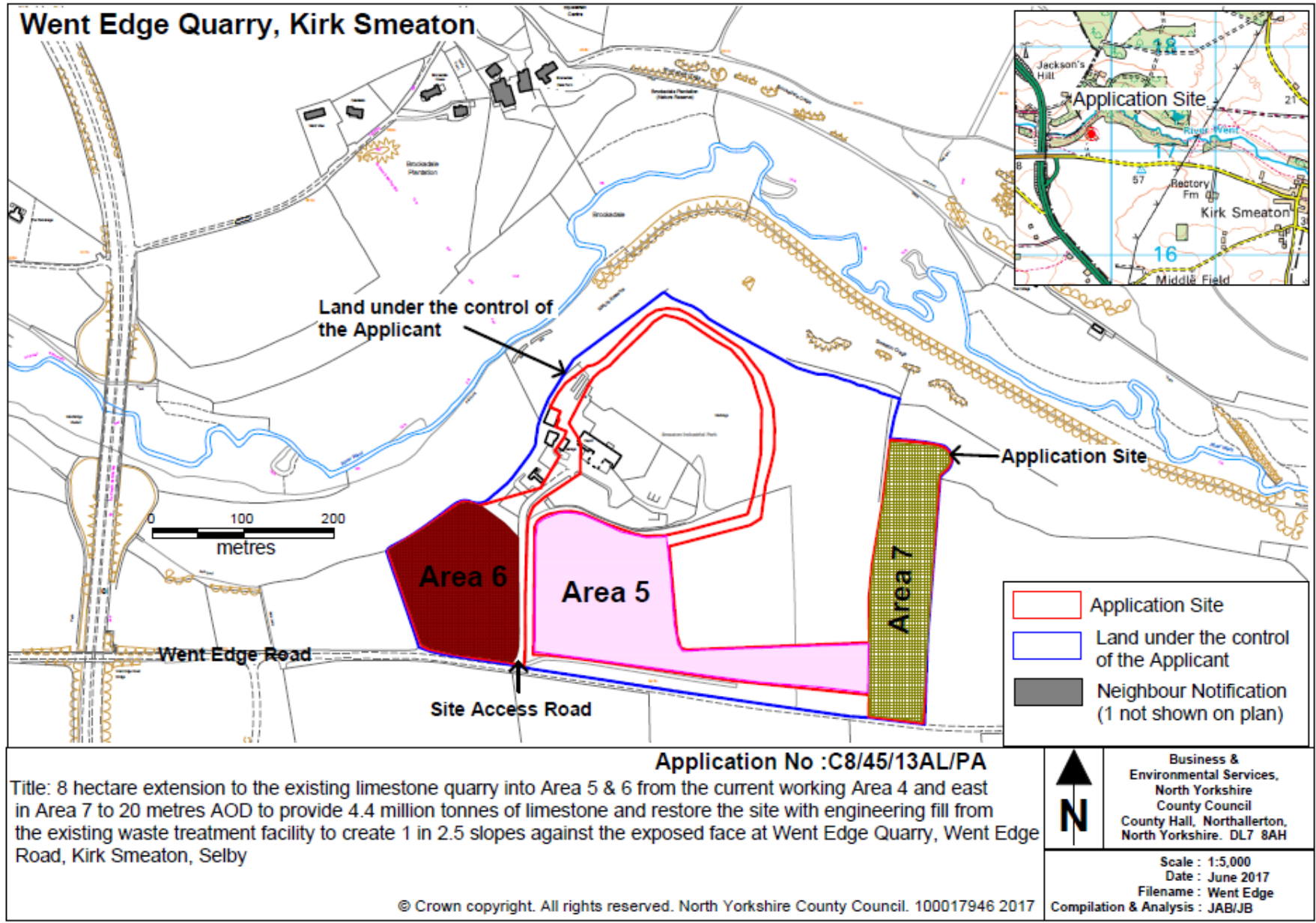
*In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.*

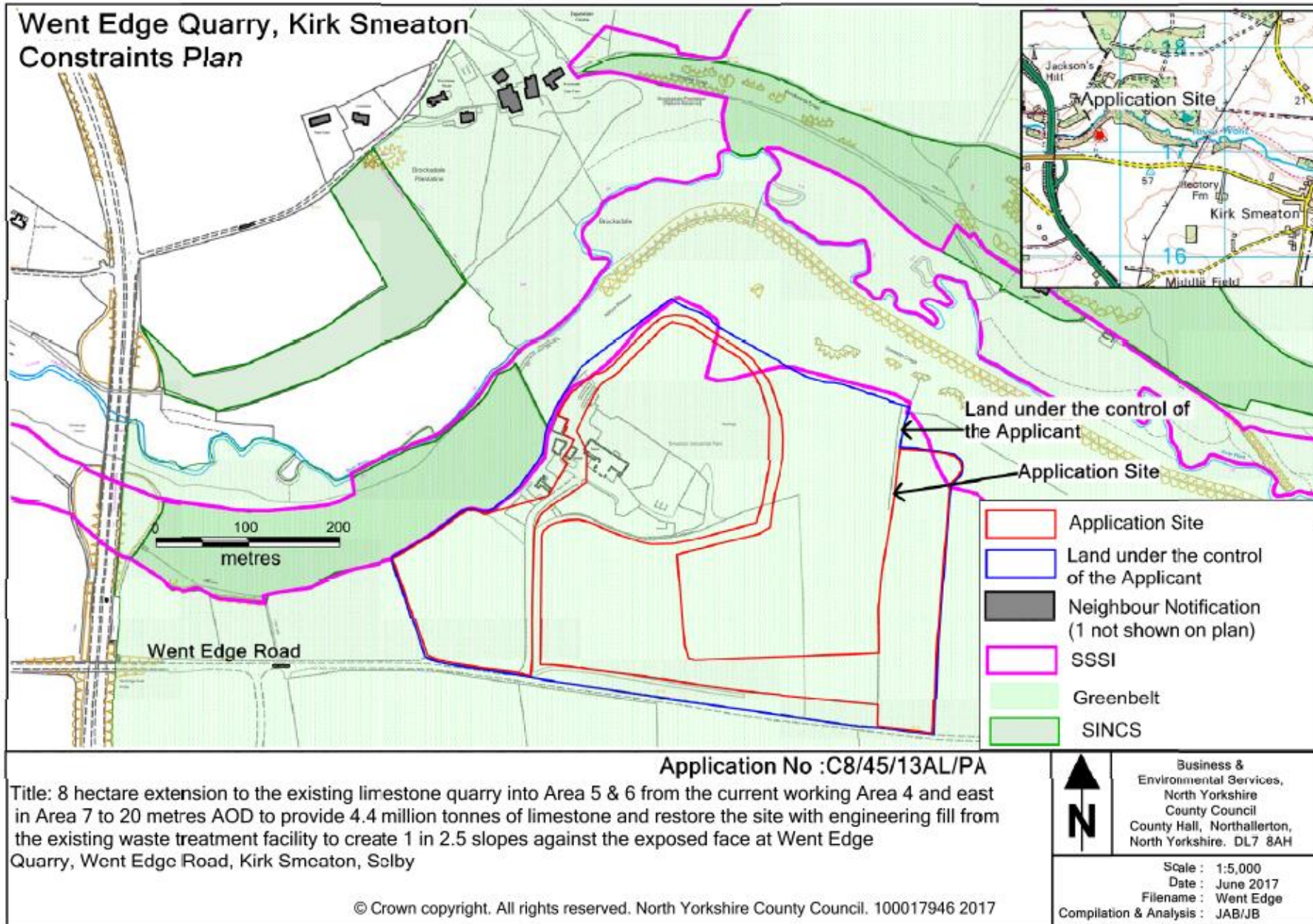
DAVID BOWE  
Corporate Director, Business and Environmental Services

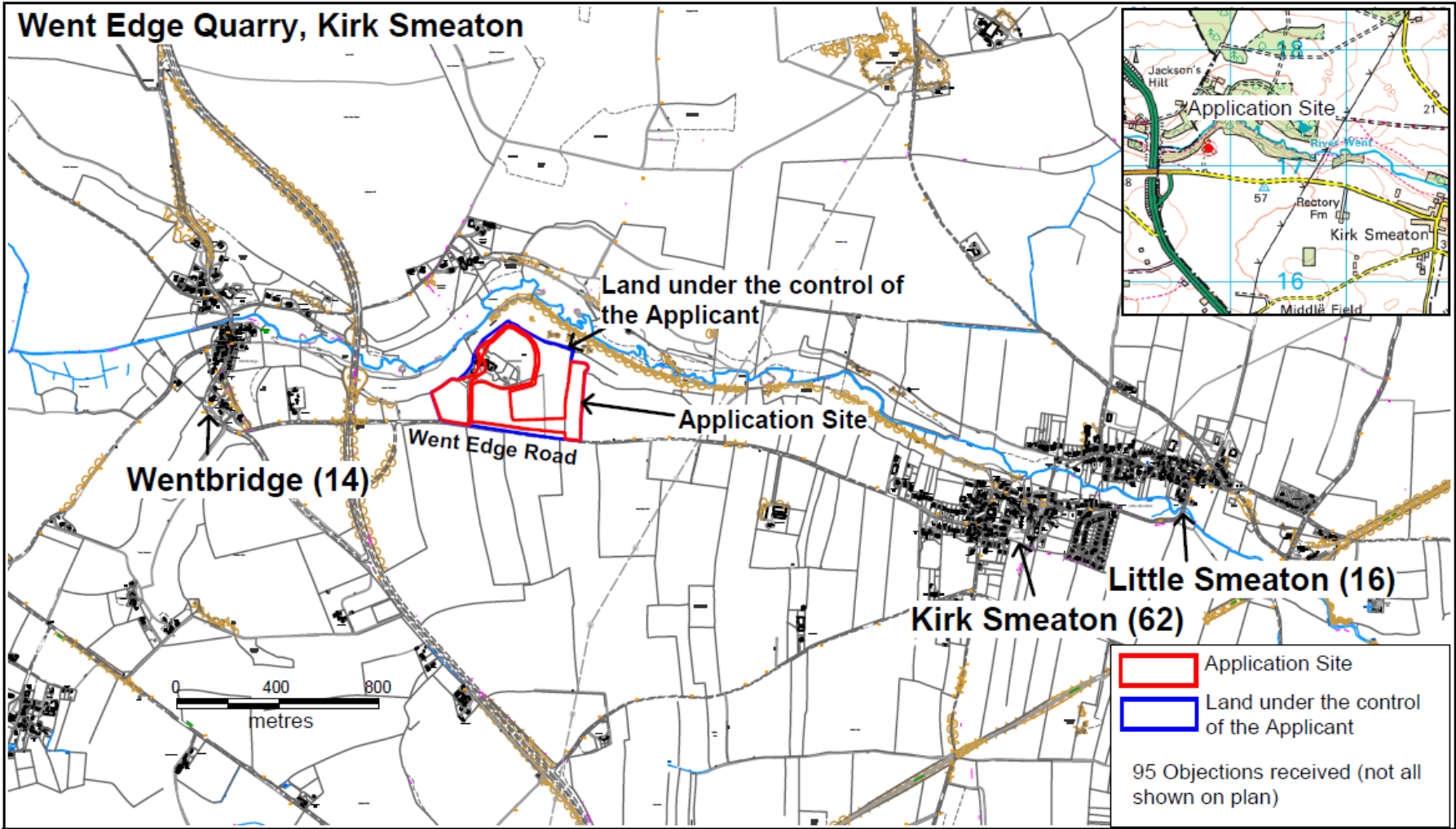
Author of report: James Blythe

Background Documents to this Report:

1. Planning Application Ref Number: C8/45/13AL/PA (NY/2016/0185/ENV) registered as valid on 28 November 2016. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.







**Application No :C8/45/13AL/PA**

Title: 8 hectare extension to the existing limestone quarry into Area 5 & 6 from the current working Area 4 and east in Area 7 to 20 metres AOD to provide 4.4 million tonnes of limestone and restore the site with engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby

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

Scale :  
 Date : June 2017  
 Filename : Went Edge  
 Compilation & Analysis : JAB/JB







