

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

29 AUGUST 2017

**C8/2017/0516/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE
EXTRACTION OF THE RESIDUAL DEPOSIT OF SAND FROM LAND WEST OF THE
SANDPIT UNTIL 6 JANUARY 2019 ON LAND AT EGGBOROUGH SANDPIT, WEELAND
ROAD, HENSALL, GOOLE, NORTH YORKSHIRE, DN14 0RL
ON BEHALF OF MONE BROS
(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 extraction of the residual deposit of sand from land west of the sandpit until 6 January 2019 on land at Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL on behalf of Mone Bros.
- 1.2 This application is subject to an objection having been raised in respect of this proposal on the grounds of this slowing down the restoration of the site and the continuation effects of noise from the site and is, therefore, reported to this Committee for determination.

2.0 Background

- 2.1 A plan showing the application site is attached to this report.
- 2.2 The Eggborough sandpit is located approximately midway between the villages of Eggborough to the west, and Hensall to the east, as shown on the plan attached to this Report. The Eggborough Sandpit site is approximately 7.32 hectares in size, the proposed area of extraction for this application is 0.95 hectares, as shown in Figure 1 the Committee Plan attached to this report. The A645 runs to the north of the site with an active railway line to the south. A number of dwellings and agricultural holdings are sited within 600 metres of the application area, along the A645 itself and along High Eggborough Lane starting to the west of the site and running along the southern boundary of the site. The nearest property along the A645 is Springfield Farm which lies approximately 400 metres to the east of the extraction site and 100 metres to the west of the site entrance and the nearest residential property to the south is Level Crossing House which is approximately 150 metres from the application extraction site on the south side of the level crossing on High Eggborough Lane. The boundary of the application site has already been disturbed with some extraction before the previous permission expired, most of the application site though is still a grassed area of Grade 3 Best Most Versatile (BMV) agricultural land.
- 2.3 The existing site access off the A645, Weeland Road to serve the Eggborough Sand Pit Inert Waste Landfill. The application site is reached from the highway by a surfaced track across an area previously worked for sand, now being infilled and restored. The distance from the site entrance to the application site is approximately 500m. The haul road used to get to the application site has, in the main been surfaced with hardcore. Strict speed limits on the site are imposed minimising dust

from traffic crossing the site. A water bowser is also deployed to damp-down haul routes when necessary. Access to the site is restricted at the gated entrance to the quarry, which is kept locked at all times that the site is not operational. All amenity facilities required by the proposal would be shared with the landfill provisions, the weighbridge and site offices are at the entrance to the site to the north east of the application site approximately 400 metres from the application site. There is also a plant including a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste materials at the site approximately 60 metres to the east of the application site.

- 2.4 The site is not within any statutory designated areas such as Green Belt, Area of Outstanding Natural Beauty or Locally Important Landscape Area. In terms of landscape the site falls within the Humberhead Levels Landscape Character Area on 'The Character of England Map' produced by the former Countryside Commission and English Nature, with support from English Heritage in 1996. This Character Area is generally a flat, very open character with occasional rising ground formed by ridges of sand and outcrops of Mercia Mudstone which, in combination with the surface geology of drift deposits, gives rise to local variations in character. The Humberhead Levels are characterised by rich high-quality land which is intensively farmed. Landscape Character mapping is a mechanism for understanding and explaining what makes the local landscape distinctive.

Planning History

- 2.5 Extraction at Eggborough Sandpit was originally granted in 1948 on 15.11 hectares of land to the east of the current application site lying north to the Knottingley to Goole railway on the south of side Weeland Road (the A645) and bounded on the east end by the part of Hazel Old Lane leading to the level crossing at Ings Gate House. New updated planning conditions for working this 1940s permission area were determined in June 1993 (Ref: C8/37/160A/PA) and the majority of that site had been worked and restored by the mid-1990s but some of the western part of the site remains unrestored. Planning permission was also granted in June 1993 for the extraction of sand from a 9.8 hectare extension to the west of the existing Eggborough Sandpit (Ref: C8/37/177/PA), including the area which is the subject of the current application, shown on Figure 2 in this report.). However, extraction has only occurred in a fifth of the area permitted. The previous operator ceased sand extraction at the site in 2002.
- 2.6 In January 2009, planning permission was granted for the infilling of the quarry void with inert material to provide for the restoration of the sand pit (Ref: C8/37/160B/PA). The approved scheme involved the partial infilling of the 7.32 hectare site in 3 phases with approximately 250,000 cubic metres (490,000 tonnes) of inert material, such as soil, stones, concrete, bricks, tiles and ceramics and glass. The infilling of the sandpit was expected to take two years with a further year thereafter to complete the restoration. The supporting statement for the application, which was an approved document included a restoration (Paragraph 6.1) and aftercare scheme (Paragraph 6.2) involved restoring part of the site to agriculture with a shallow seasonal pond approximately 25 metres in diameter and marshy grassland with tree and shrub planting at the western end of the site and amenity grassland at the eastern end of the site near the site entrance. Part of an existing cliff in the south-west corner of the site would be retained to enable sand martins to continue nesting and areas of grassland adjacent to the railway would be retained to support potential reptile habitats. The final landform would be at approximately the original ground level. This application was the subject of a Section 106 Agreement to set designated haulage routes to and from the site.

- 2.7 On the 25 March 2009, an application was submitted (ref: NY/2009/0125/A21) for the approval of details reserved by conditions 7, 8, 10, 13, 17 and 18 of planning permission C8/37/160B/PA. These details related to a noise monitoring scheme (7); a dust control scheme (8); precautions to prevent the deposit of mud on the highway (10); on-site staff and contractor parking and materials storage (13); a scheme of drainage (17) and a scheme of landscaping (18). The submitted details were approved by the County Planning Authority on the 19 June 2009.
- 2.8 On the 28 July 2011, planning permission was granted (ref: C8/2011/0546/DPC) for the variation of condition no.3 of planning permission C8/37/160/B/PA, to extend the date for the completion of the infill of inert material until 6 July 2015 and the completion of restoration by 6 July 2016. This planning permission varied no other element of the previously approved development.
- 2.9 On the 24 June 2013, planning permission was granted (Ref: C8/2012/1045/CPO) for the use of land for the siting and operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste materials at the site. This planning permission permitted such operations until 6 January 2016. The operation of this facility is intrinsically linked to the importation and landfill of material permitted under planning permission C8/2011/0546/DPC, as the imported material is initially processed through the mobile crusher and screen for the purposes of recycling. The recycled material is re-used off site whilst any materials incapable of being recycled are landfilled at the site.
- 2.10 On the 23 January 2014, planning permission was granted (Ref: C8/37/177A/PA) for the variation of condition No. 1 of Planning Permission Ref. No. C8/37/177/PA for an extension of time for the completion of extraction. This application was for an extension of time to excavate sand from 0.95 hectares of the original C8/37/177/PA planning permission area and no further extraction was proposed in the remaining 8.85 hectares. This 2014 permission was granted until 6 January 2016 and no mineral extraction has taken place since this date. The unrestored excavated area at the quarry is currently an irregularly shaped valley between 8 and 12 metres deep with steep sides. The application stated 'the area where extraction is proposed to continue contains approximately 45,000 tonnes of sand'. This permission to extract in this area was implemented in part, but no application to extend the period of time for extraction was made in 2016 and so, the permission having expired, that is why this application is submitted.
- 2.11 On the 12 June 2015 a planning application was submitted (ref: C8/2015/0767/CPO) to the County Planning Authority to vary of Condition No.1 of Planning Permission Ref. C8/2012/1045/CPO for an extension of time for the continued use of land for the operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste until 6 July 2018. A further planning application was submitted the same day (ref: C8/2015/0769/CPO) to the County Planning Authority to vary of Condition No.1 of Planning Permission Ref. C8/2011/0546/DPC for an extension of time for the continued importation of inert waste materials for the completion of restoration until 6 January 2019. Both these applications were determined by the Planning and Regulatory Functions Committee on the 15 December 2015 due to being subject to an objection from a member of the public and were subsequently granted and issued on 15th December 2015.
- 2.12 There is currently also an outstanding application on the Eggborough Sandpit site for a variation of the frequency of noise monitoring to be undertaken on an annual basis. That application is to be determined at Planning Committee on 29 August 2017.

3.0 The proposal

- 3.1 Planning permission is sought for the extraction of the residual deposit of sand from land west of the sandpit and restoration of the site until 6 January 2019 on land at Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL on behalf of the Mone Bros.
- 3.2 The proposed extraction of residual minerals deposit would be restricted to an area of land of 0.95 hectares located immediately adjacent to, and to the south-west corner of, the ongoing infill and restoration works at the Sandpit. The proposed minerals extraction and current operations on site are under the control of the same landowner/operator. The quantity of remaining reserves for the site are 40,000 tonnes and this would be completed in a single phase of operation within the 18 month period before the permission expires. The excavation of sand would be undertaken by equipment already at the site for carrying out infill and recycling activities. This is to be completed by tracked excavators and a rubber tyred loading shovel. This would be completed to the same depth as the Minerals excavation and restoration would take place in a single phase of operation, with soils stripped and stored temporarily in stockpiles in the area designated also for storage of recycled inert materials for the site. These stockpiles would be formed below the natural level of the surrounding ground, the position of these stockpiles are shown on Figure 3 the Block Plan attached to this report. The proposed sequencing of activities which has been stated by the agent in the application documents is:
- Strip topsoil progressively and deposit temporarily in stockpile.
 - Strip subsoil progressively and place temporarily in stockpile.
 - Strip overburden progressively and place temporarily in stockpile.
 - Win mineral reserves available and remove sand off-site
 - Backfill overburden from stockpile following sand extraction.
 - Spread sub-soil from stockpile
 - Spread top-soil from stockpile
 - Cultivate and plant as proposed.
- 3.3 The agent states the stockpiles would be in a sheltered location to minimise the wind whip, further stating that if necessary in particularly dry conditions a water bowser would be used to damp down the stockpiles. The location of the mineral excavation and temporary storage activity is more than 100m from any sensitive receptor and the agent states adverse dust impact is not considered likely. The agent further states *'in the event that dust is being generated by this activity then operations will be halted until the source of the problem can be identified and a remedy effected'*.
- 3.4 Measures would be taken to minimise noise arising from the site, including minimising drop heights, working within bunded or screened areas as far as is possible and also ensuring that all plant and equipment is well maintained and all silencers are effective. The agent states *'for the wider development at the site noise limits at the boundaries of residential properties are set out by condition through C8/2015/0767/CPO and noise monitoring and recording requirements are set out through C8/2015/0769/CPO'*. Minerals extraction would also be limited to daylight hours and the specific hours of use would be 0800 and 1700 on Mondays to Fridays only, with no working on Saturdays, Sundays or Public Holidays. There is also no lighting at the proposed development site.
- 3.5 The export of sand would be managed within the approved transport figures for the site in applications C8/2015/0767/CPO and C8/2015/0769/CPO, which permits 54 HGV's in and 54 out, with the proposed development using the existing approved site access. The agent states transport of sand off-site would, wherever possible, utilise transport on a back-load basis on lorries that have delivered inert waste to the site for

infill purposes. Consequently, the agent states there would be no increase in lorry traffic as a result of the development proposal.

- 3.6 The existing site access off the A645, Weeland Road to serve the Eggborough Sand Pit Inert Waste Landfill requires no modification. The application site is reached from the highway by a surfaced track across an area previously worked for sand, now being infilled and restored. All amenity facilities required by the proposal would be shared with the landfill provisions. Access to the site is restricted at the gated entrance to the quarry, which is kept locked at all times that the site is not operational.
- 3.7 The distance from the site entrance to the operational area is approximately 400m. The haul road used to get to the application site has, in the main been surfaced with hardcore. Strict speed limits on the site are imposed minimising dust from traffic crossing the site. A water bowser is also deployed to damp-down haul routes when necessary.
- 3.8 The agent states *'the restoration and landscaping of the site (ref. ES/MIN17/05 and ref. ES/MIN17/06) would reflect and complement the agreed restoration contours and planting on the adjacent infill development'*. The application documents in respect of the Eggborough site, including restoration and aftercare proposals, are set out in ref. C8/37/160B/PA. However this is incorrect this permission has been superseded by planning permission C8/2015/0769/CPO, dated December 2015.
- 3.9 With the location of the mineral extraction works it is proposed that the restoration profile would be formed to fall in a generally southerly direction, while maintaining existing ground levels at the western and northern boundaries to the extraction area, and to the infill levels approved at the eastern boundary as part of the Sand Pit Infill and Restoration works, as shown on Figure 4 attached to the report. Any excavated material which is unsuitable for use as a sand would also be re-deposited for the purpose of the infill and restoration requirements on the site. The agent states in regards to drainage that the restored profile would direct surface water towards the south, and the seasonal wetland area which is to be established at the extreme south-western end of the approved Infill and Restoration Scheme.
- 3.10 There would be no loss of open space as a consequence of the further excavation works. The agent states *'in order to consolidate the existing ecological restoration aspects at this south-western corner of the site, it is proposed that the restoration of the minerals workings is directed towards amenity grassland as described in C8/37/160B/PA Restoration and Aftercare Plans, and so is complementary to that provided through the infill development restoration in this area'*. The soils up to approximately 500mm deep overlying the mineral deposits, including topsoil, would be stripped and set aside, as shown in Figure 3 attached to this report. After mineral extraction and once the proposed restoration contours are within 500mm of the final levels, these soils would be re-spread on the partially restored surface. The final 200mm of soil replaced will be topsoil. Hedgerows would be established on the western and northern boundaries of the minerals restoration area and would be planted on a ploughed 'cam' (small raised bank) using 40-60cm bar-rooted transplants planted in two staggered rows 150mm apart at a planting density of 9 plants per metre. The proposed hedgerow planting specification is 6 plants per metre of quickthorn with an admixture of hazel, field maple, dog rose, and holly making up the rest of the planting.
- 3.11 The proposed development would not result in an increase in employment at the Eggborough Sand Pit facility and no additional car parking would be required, nor are alternative transport arrangements necessary.

4.0 Consultations

- 4.1 The consultees responses summarised within this section of the report relate to responses to the consultation on 8 May 2017.
- 4.2 **Selby District Council (Planning)** – Were consulted on 8 May 2017 and no response has been received to date.
- 4.3 **Selby District Council (Environmental Health)** – A response was received on 22 May 2017 advising that the dust impact assessment has been considered and it is noted this is similar to that of Condition 13 of decision notice C8/2/12/1045/CPO. If this system of dust control is applied to the proposed extraction area the Environmental Health Officer has no objections to the application.
- 4.4 **Environment Agency York** – A response was received on 22 May 2017 stating no objections to the application, though requesting a condition in regards to a scheme of monitoring groundwater levels to be submitted to and approved by the County Planning Authority, including a future programme of maintenance. The Environment Agency also state *'sufficient best practices and pollution prevention measures should be emplace to prevent any deterioration of the groundwater quality associated with the proposed activities'*.
- 4.5 **NYCC Landscape Architect** – A response was received on 18th May stating the principle of the extraction of the residual deposit is accepted and the approach to restoration follows that of previous applications. The size of the extraction area means it is unlikely to have additional significant landscape or visual impacts. However it was stated that the wider landscape has been degraded by the cumulative effects of disturbance and development. Therefore further information is required to ensure mitigation and enhancement during extraction and restoration is maximised. The details requested were the location of the extraction boundary and the width of the stand-off between the extraction boundary and existing vegetation on the site boundary, the storage and use of soils could be confirmed and a restoration plan which clearly shows the existing and proposed vegetation. Stating this should *include 'its canopy how it will be protected during extraction and clarifies how the restored extension will integrate with the restoration of surrounding areas. It is likely that the restoration and aftercare proposals that were approved under NY/2008/0192/FUL will need to be updated to take into account the proposals on the current drawings (ES/MIN17/05 and 06) and any subsequent amendments'*.
- 4.5.1 The Landscape Architect states a Landscape Scheme condition should also be attached to any permission including the details of the final levels, soils and fencing, location of all existing trees, shrubs and hedgerows to be retained and proposals for their protection and maintenance, including a commitment to any replacements required throughout the life of the development; the position, species, density and initial sizes of all new trees and shrubs including advance planting to fill any gaps in the existing application site boundary; details of areas to be seeded and grassed; the programme of implementation and the arrangements for subsequent establishment maintenance and aftercare.
- 4.5.2 Further information was received on 8 August 2017 stating the agent can confirm there would be a three metre standoff between the limit of mineral extraction and the existing vegetation on the site boundary, protecting canopy while mineral extraction is ongoing. The agent also states that the proposed residual mineral deposits at the site would be a self-contained activity and the contours on the proposed restoration reflect but do not alter the approved restoration contours for the approved infill and restoration, stating the plans ES/MIN17/05, Restoration Plan (received 5th May 2017), Drawing Number ES/MIN17/06 Proposed Planting (received 5th May 2017)

demonstrate how the proposals restoration would fit into the existing landform to the north and west and on-going restoration to the south and east. In regards to soils the agent states the existing soils will be stripped and set aside as set out in ES/MIN17/08, Block Plan (received 5th May 2017), during the course of minerals extraction. The agent states that on completion the overburden would be replaced in accordance with the approved restoration plan and the sub-soil and top soil would be sequentially spread on completion to the depths prescribed.

- 4.5.3 A response from the Landscape Architect was received on 10 August 2017 stating the confirmed standoff of 3 metres is acceptable and the application can be determined. The Landscape Architect further states a detailed landscape scheme should still be conditioned as this would provide evidence that all aspects had been taken into account, as the current plan gives a helpful outline but not detailed information. The Landscape Architect also stated there were no concerns with the intentions for storage and use of soils and no further concerns.
- 4.6 **NYCC Ecology** – A response was received on 24 May 2017 stating in 2008 an ecological survey was undertaken in support of application NY/2008/0192/FUL which identified an important hedgerow to the west boundary of the site, a rough grassland corridor, important for reptiles along the railway, four mature trees with moderate-high potential to support roosting bats and sand martins nesting in the southern vertical face of the quarry, at the time avoidance and mitigate measures were put in place to deal with these ecological features. The Ecologist stated the current application does not include an ecological survey for the quarry extension and whilst it is small in size a Preliminary Ecological Appraisal should be provided. Conversations took place between the agent and the ecologist and it was agreed that because the boundary of the application site has already been disturbed with some extraction before the previous permission expired, there would be no need for a survey and the applicant should abide by any previous conditions and informatives such as the need for an adequate standoff from hedgerows and trees both in terms of extraction and tipping and vegetation removal outside the nesting bird season.
- 4.7 **NYCC Archaeology** – A response was received on 15 May 2017 stating no objection to the proposal as the site is an existing sand quarry and this will have destroyed any archaeological deposits should they have been present. An updated response was received on 17 August 2017 noting that part of the site had not yet been subject to extraction and there is therefore some archaeological potential however stated after checking against the Historic Environment Record there are no known archaeological sites in the area indicated or within the immediate vicinity and no archaeological finds have been reported from the quarry or its environs, therefore archaeological potential is considered to be low. To conclude the archaeologist reiterates that they have no objection to the proposal.
- 4.8 **Network Rail - Minerals & Waste Apps** – A response was received on 13 June 2017 stating no objection to the application, however request additional information and conditions with any decision. They request further information demonstrating *'that the excavations in the temporary, enabling and permanent states will not affect the stability of Network Rail's assets'*. In regards to safety they state all cranes and jibbed machines used in connection with the works must be positioned so the jib does not swing over the railway property and all machinery and plant must be positioned and used to prevent accidental entry onto the railway. They also state 3 conditions which they would require be attached to any permission, these are in regards to there being no interference with any drain or watercourse belonging to Network Rail or that Network Rail have drainage rights over at present. Another is in regards to surface water not being discharged onto or towards Network Rail property and lastly is in regards to tip or stockpiles being positioned at a distance from the railway infrastructure so as not to interfere with railway operations. The further

information was received on 4 August 2017 and sent for re-consultation and no response has been received by the date this report has been published.

- 4.9 **Highway Authority** – A response was received on 10 May 2017 stating there are no local highways authority objections to the proposed development.
- 4.10 **Eggborough Parish Council** – Were consulted on 8 May 2017 and no response has been received to date.
- 4.11 **Hensall Parish Council** – Were consulted on 8 May 2017 and no response has been received to date.
- 4.12 **Danvm Drainage Commissioners (Shire Group Internal Drainage Board** – Were consulted on 1 August 2017 and no response has been received by the date this report has been published.

Notifications

- 4.13 **Cllr John McCartney** – Was notified on 8 May 2017.

5.0 Advertisement and representations

- 5.1 The proposal has been advertised by means of 5 Site Notices posted on 18 May 2017 (responses to which expired on 8 June 2017). The Site Notices were posted in the following locations:
- at the site entrance on Weeland Road;
 - a telegraph pole outside the residential property 'Sandways' on Weeland Road;
 - a lamp post on Hazel Old Lane;
 - a telegraph pole in front of Hazelgrove Farm on Weeland Road
 - A lamppost on High Eggborough Lane.
- 5.2 A Press Notice appeared in the Pontefract and Castleford Express on 25 May 2017 (responses to which expired on 8 June 2017).
- 5.3 Neighbour Notification letters were sent on 8 June 2017 and the period in which to make representations expired on 29 June 2017. The following properties received a neighbour notification letters:
- Alsuno, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - Springfield Farm, Weeland Road, Selby, North Yorkshire, DN14 0RL;
 - Sandway, Weeland Road, Selby, North Yorkshire, DN14 0RL;
 - The Willows, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - Arlyn, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - Darly House, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - The Bungalow, Hazel Old Lane, Selby, North Yorkshire, DN14 0QA;
 - Hazel Grove Farm, Weeland Road, Selby, North Yorkshire, DN14 0RL;
 - Hazel Croft, Weeland Road, Selby, North Yorkshire, DN14 0RL;
 - Mount Pleasant Cottage, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
 - Mount Pleasant Farm, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
 - Mayerling, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
 - Mount Pleasant House, High Eggborough Lane, Eggborough, Goole, DN14 0PS;
 - Level Crossing House, High Eggborough Lane, Eggborough, Goole, DN14 0PT.
- 5.4 A representation objecting to the application was received on 8 June 2017 raising objections on the grounds of:-

- The original landfill was granted on the basis there would be no further sand extraction at this site, with the previous approval being withdrawn.
- The aim of the seeing this quarry site filled and the land being reinstated as quickly as possible with this not having happened and this application aggravating the situation.
- NYCC need to enforce existing quarry reinstatement, before even considering this application which goes contrary to the aim of the existing planning approval.
- There needs to be a clear noise assessment of these operations, and this application needs to be determined in conjunction with NY/2017/0038/73A.
- This would extend the area of devastation around Hensall and the operations will continue in the area for many years.

6.0 Planning policy and guidance

National Planning Policy

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

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

National Planning Policy Framework (NPPF)

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

6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as "*making the necessary decisions now to realise our vision of stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same*". The Government defines sustainable development as that which fulfils the following three roles:

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

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

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

- 6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.6 Within the NPPF, Paragraph 14 of the Framework advises that when making decisions, development proposals should be approved without delay 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 the Framework taken as a whole: or*
 - *'Specific policies in the Framework indicate development should be restricted'.*
- 6.7 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.
- 6.8 Chapter 11 of the NPPF, entitled 'Conserving and Enhancing the Natural Environment' outlines the role that the planning system has to play in enhancing the natural environment. Furthermore, it advises that the planning system should contribute by:
- *'protecting and enhancing valued landscapes, geological conservation interests and soils;*
 - *recognising the wider benefits of ecosystem services;*
 - *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
 - *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;*
 - *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'.*
- 6.9 Paragraph 109 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. It should also prevent new and existing development from contributing to being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.10 Paragraph 112 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states *"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality"*.

- 6.11 Paragraph 118 within Section 11 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. Paragraph 118 states: *“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles (inter alia): if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort,*
- 6.12 Paragraph 120 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that to prevent unacceptable risks from pollution, decisions should ensure that the development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The NPPF advises in paragraph 111, that planning decisions should *‘encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value’*. The NPPF notes that planning decisions should *‘focus on whether the development itself is an acceptable use of the land and the impact of the use’*.
- 6.13 Paragraph 121 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“Planning policies and decisions should also ensure that:*
- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
 - *land under Part IIA of the Environmental Protection Act 1990; and after remediation, as a minimum, land should not be capable of being determined as contaminated*
 - *adequate site investigation information, prepared by a competent person, is presented”*.
- 6.14 Paragraph 122 within Section 11 (Conserving and enhancing the natural environment) of the NPPF states that *“In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”*.
- 6.15 Within the NPPF, Paragraph 123 of the Framework provides guidance relating to the impacts of noise pollution on quality of life. It advises that planning 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 developments, including through use of conditions;*
 - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason’*.

- 6.16 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”.
- 6.17 Within Chapter 13 at paragraph 145 it states that “Minerals planning authorities should plan for a steady and adequate supply of aggregates by (inter alia):
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
 - making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
 - ensuring that large landbanks bound up in very few sites do not stifle competition; and
 - Calculating and maintaining separate landbanks for any aggregate material of a specific type or quality which have a distinct and separate market”

National Planning Practice Guidance (PPG) (2014)

- 6.18 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) 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: -
- Noise
 - Minerals
 - Air Quality
 - Natural Environment

Noise

- 6.19 The PPG confirms the need for noise to be considered in taking decisions on proposed developments having regard to the effects of potential noise from new developments and on existing developments.
- 6.20 The (Noise) PPG identifies how local planning authorities should determine the impact or effect of noise by considering the following:
- *'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'*.
- 6.21 In addition to the above the (Noise) PPG also offers guidance on identifying *'whether the overall effect of noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed effect level for the given situation'*.
- 6.22 The (Noise) PPG sets out the observed effect levels as being:
- *'significant observed effect level: this being the level of noise exposure above which significant adverse effects on health and quality of life occur'*;
 - *'lowest observed adverse effect level: this being the level of noise exposure above which adverse effects on health and quality of life can be detected'*; and
 - *'no observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected'*.
- 6.23 The (Noise) PPG has a specific section that considers how noise emissions from mineral extraction developments can be controlled and advises the following: *'the carrying out a noise impact assessment, which should identify all sources of noise and for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighborhood'*.
- 6.24 The (Noise) PPG also provides guidance on establishing a noise limit by means of a planning condition and puts forward suggested thresholds to protect noise sensitive properties as follows:
- *'Mineral planning authorities should aim to establish a noise limit, 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 should be set 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 operations during the period 2200-0700 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property.*
 - *Where a site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect.*
 - *Peak or impulsive noise, which may include some reversing alarms, may also require separate limits that are that are independent of background noise (Lmax in specific octave or third octave frequency bands –that should not be allowed to occur regularly at night).*

- 6.25 In regard to these noise levels the (Noise) PPG does state: *'care should be taken, to avoid any of these values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed'*.
- 6.26 Notwithstanding the guidance set out above the (Noise) PPG does recognise there may be occasions when increased temporary day time noise limits may be acceptable as follows:
- *'Increased temporary daytime noise limits of up to 70dB(A) LAeq, 1h(free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs'*.
 - *'Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain environmental benefits. Within this framework the 70dB(A) LAeq, 1h (free field) limit referred to above should be regarded as the normal maximum'*.

Air Quality

- 6.27 This section provides guiding principles on how planning can take account of the impact of development on air quality. It states *'Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation'*.

Minerals

- 6.28 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."*
- 6.29 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.

- 6.30 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”.

- 6.31 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.
- 6.32 With regard to restoration and aftercare the guidance states: *“The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:*
- *an overall restoration strategy, identifying the proposed after use of the site;*
 - *information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;*
 - *where the land is agricultural land, an assessment of the agricultural land classification grade; and*
 - *landscape strategy. Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture”.*

Natural Environment

- 6.33 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”.*

The Development Plan

- 6.34 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.

- 6.35 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 Selby District Local Plan (adopted 2005);
 - Selby District Core Strategy (adopted 2013).
- 6.36 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 I Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).
- 6.37 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, as part of the information supplied for the EiP. It is noted that the application site is not an ‘allocated’ site and is not listed in draft Policy M08 (Meeting building sand requirements) as one of the sites for building sand allocation.

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

- 6.38 The Planning and Compensation Act 1991 placed a duty on each County Council in England and Wales to prepare a Minerals Local Plan. The NYMLP 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.
- 6.39 The ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997) relevant to the determination of this application are:
- Policy 4/1 - Determination of Planning Applications;
 - Policy 4/6a - Nature Conservation and Habitat Protection – Local;
 - Policy 4/10 – Water Protection
 - Policy 4/13 - Traffic Impact;
 - Policy 4/14 - Local Environment and Amenity;
 - Policy 4/18 – Restoration to Agriculture;
 - Policy 4/20 – Aftercare.
- 6.40 ‘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*.

- 6.41 The NPPF does not mention the matters raised in points a), b), c), d).
- 6.42 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).
- 6.43 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.
- 6.44 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.
- 6.45 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.
- 6.46 '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.
- 6.47 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.
- 6.48 '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.
- 6.49 '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.
- 6.50 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.

- 6.51 '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.
- 6.52 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.
- 6.53 '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'.
- 6.54 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.
- 6.55 '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.
- 6.56 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.

Selby District Core Strategy

- 6.57 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 principles for the area.
- 6.58 The Core Strategy (2013) does not contain any policies specific to mineral development ('County Matters'), but there are general development management policies which would usually be applicable to District-scale development which, in this instance, are relevant to the determination of this application. The policies considered relevant to the determination of this application are:
- SP1 - Presumption in Favour of Sustainable Development;
 - SP13 - Scale and Distribution of Economic Growth;
 - SP15 - Sustainable Development and Climate Change;
 - SP18 - Protecting and Enhancing the Environment;
 - SP19 - Design Quality.

- 6.59 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’.*
- 6.60 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”.*
- 6.61 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;*
- 6.62 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”.*

6.63 Policy SP19 of the Selby District Core Strategy states “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”.*

Selby District Local Plan

6.64 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 following the adoption of the Core Strategy.

- 6.65 Within the Selby District Local Plan, the ‘saved’ policies relevant to the determination of this application are:
- ENV1- Control of Development;
 - ENV2 - Environmental pollution and Contaminated land;
 - ENV21- Landscaping Requirements;
 - T1- Development in Relation to the Highway network;
 - EMP9 - Expansion of Existing Employment Uses in the Countryside;
- 6.66 ‘Saved’ Policy ENV1, advises that *‘proposals for development will be permitted provided a good quality of development would be achieved.’* The plan further advises that when considering proposals, considerations will take into account of *‘the effect upon the character of the area or amenity of adjoining occupiers’*; *‘the potential loss, or adverse effect upon significant buildings, related species, trees, wildlife habitats, archaeological or other features important to the character of the area’*; *‘the relationship of the proposal to the highway network, the proposed means of access and arrangements to be made for car parking’*; and *‘the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping’*. This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, as outlined in paragraph 17 of the Framework, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants and therefore full weight is given to this policy in the determination of this application.
- 6.67 This policy ENV1- Control of Development 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”.
- 6.68 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.

- 6.69 'Saved' Policy ENV2 - Environmental pollution and contaminated land 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".*
- 6.70 This Policy is generally considered to be compliant with Section 11 of the NPPF.
- 6.71 'Saved' Policy ENV21 – Landscaping Requirements 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".*
- 6.72 This Policy is generally considered to be compliant with Section 11 of the NPPF.
- 6.73 'Saved' Policy T1- Development in Relation to the Highway network 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.
- 6.74 'Saved' Policy EMP9 - Expansion of Existing Employment Uses in the Countryside 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".*
- 6.75 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 principle of the development, local amenity, landscape, visual impact and restoration and highways matters.

Principle of the Development

- 7.2 At the time of submission of the planning application, Eggborough Sandpit does not have an extant planning permission for the extraction of sand. Planning permission was originally granted for the area which is subject to this planning application in 1993. It is important to note that the area which is subject to this planning application first received planning permission for sand extraction in June 1993 and again in 2013. This planning application does not propose the extraction of any additional reserves which have not previously been permitted and does not increase the previously approved void space for any proposed inert landfill. The planning application only proposes to enable the extraction of mineral and the completion of restoration from the currently time-expired 0.95 hectare extraction area until 6 January 2019, and, in addition provides the County Planning Authority with the opportunity to agree an appropriate restoration scheme for this area of the site which, ultimately, provides a satisfactory form of restoration for the entire Eggborough Sandpit site. One of the reasons for the objection to this application states this proposal would slow down the restoration of the site, however this is not the case as the end date for the further period of extraction mirrors the existing permissions for infilling and processing up to 6 January 2019, therefore the proposal would not have a significant impact or extend the life of the site. It is, therefore, considered that sand extraction is established at Eggborough Sandpit and the principle of continuing sand extraction in this location is acceptable subject to appropriate environmental controls in accordance with 'saved' Policy 4/1 of the NYMLP.
- 7.3 A principle of the extraction of sand from the Eggborough area has been established by a number of historical planning permissions at various sites within the locality. The proposed extension would benefit from the presence of existing infrastructure (weighbridge, offices, site access) currently in place at the quarry before it is removed and the land fully restored. The proposed extension is very small scale in nature and would stop the sterilisation of the mineral in the ground. This is consistent with the NPPF in regards to paragraph 120 and 122 in regards to the acceptability of the location of the proposed development.
- 7.4 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*", in paragraph 145 it also encourages Mineral Planning Authorities to plan to maintain a 7 year landbank for sand and gravel (including building sand).
- 7.5 The draft MWJP states that there is an estimated shortfall for building sand (balance between permitted reserves at 1 January 2016 and total requirement to 31 December 2030) of 0.9 million tonnes. It states that "*Requirements for building sand during the Plan period can be met through the release of reserves on specific sites put forward for consideration, which contain an estimated 2.5mt of reserves and therefore would also be sufficient to maintain a 7 year landbank of building sand at 31 December 2030*". As highlighted in paragraph 6.37 of this report Eggborough Sandpit is not listed as one of the building sand sites 'allocated' in draft Policy M08 (Meeting building sand requirements). However, the principle of extraction was established in

the 1990s and this small area of extraction is on a site which already has the requirements needed in terms of plant and machinery. It also lies within an area of mineral resource identified on the Policies for the Minerals and Waste Joint Plan. It would also make use of the already approved vehicle movements associated with the existing recycling/landfill operation and would not be a significant addition of traffic, but could be supported as making a positive contribution.

- 7.6 The amount of building sand needed to meet requirements over the Plan period is relatively small, however, PPG indicates that “There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank ...” The proposed extension is small but would release a viable reserve in an operating quarry which has had permission in the past, but which has now expired. Although small it could make a contribution towards the supply of building sand in the County and to the main markets in the sub region.
- 7.7 It is noted that concerns have been expressed by the objector to the application, that previously it has been stated that there would be no further extraction on the site, in past applications. This statement is considered to be inaccurate and there is no formal approved document stating that in the future, approval for further excavation could not be undertaken within the site. Although, at present there is no extant permission for extraction, the land which forms this application has already been affected by works undertaken in connection with the planning permission C8/37/177A/PA and has yet to be restored.
- 7.8 The contribution the extended quarry would make towards the supply of building sand would not be significant in the Region but is still considered 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*”. It is also in compliance with policy SP1, SP13 and SP19 of the Selby District Core Strategy Local Plan and ‘saved’ policy EMP9 of the Selby District Local Plan due to the promotion of sustainable growth of key economic sectors. As the proposal is considered in line with the Development Plan it is also consistent with the NPPF paragraph 14 because of the benefits of the application. However, any potential adverse impacts on the environment and amenity arising from the proposed extension need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.

Local Amenity (noise & dust)

- 7.9 The proposed development does not seek to alter the previously approved hours of operation, maximum noise levels or any other operational processes/practises. In relation to noise, the continued imposition of a maximum noise level and restricted hours of operation would ensure that the site continues to operate so as to ensure that the impacts of noise is mitigated so as not to result in environmental harm.
- 7.10 There are a number of residential properties were located in near proximity to the site. These properties included those on the western edge of Hensall village approximately 300 metres to the east and other properties including which lies approximately 400 metres to the east of the extraction site and 100 metres to the west of the site entrance. The nearest residential property to the proposed application site is Level Crossing House on High Eggborough Lane south of the site. There have been no known housing developments in proximity to the area since the grant of planning permission C8/37/177A/PA, granted 24 January 2014. It is further noted that the site is well screened from Weeland Road and High Eggborough Lane by extensive trees and high hedges. Finally, it was noted that no complaints had previously been received from local residents or Regulatory bodies in relation to

operations at the site, which was to be the case until the objection to the current planning application was received.

- 7.11 As part of planning permission reference: C8/2012/1045/CPO (referenced in Paragraph 1.5 above) approved in June 2013, a noise assessment was submitted at the request of the Environmental Health Officer which assessed the cumulative impact of all operations at Eggborough Sandpit (extraction, landfill and recycling operations). The assessment concluded that combined noise levels of all operations on site would be unlikely to cause annoyance or disturbance to the nearby residents. The Environmental Health Officer requested a condition be attached to planning permission reference: C8/2012/1045/CPO to ensure that noise levels do not increase above 55dB(A) and that noise monitoring reports are undertaken to ensure that this level is not exceeded. The Environmental Health Officer responded to the previous application for the excavation of the proposed area (ref. C8/37/177A/PA) with no objection subject to previous conditions controlling noise and air quality being included on any subsequent decision notice. The Environmental Health Officer in their response to this application though did not give a response in regards to noise. It is, therefore, considered that, in terms of noise, the proposed development is in accordance with 'saved' policy 4/14 of the NYMLP.
- 7.12 It is considered that if permission is granted it should be subject to noise limit conditions in line with PPG for mineral development and including a requirement for the operator to produce and implement a scheme to monitor and control noise from the operations which is in line with the PPG for mineral development.
- 7.13 On the basis that such mitigation and controls are secured by the imposition of planning conditions, it is considered that the proposed development would not result in adverse noise impacts upon any local residential property. As such, it is considered that whilst the current proposal represents the second occasion that the operator has sought to extend the length of time within which the development shall be completed, this is considered unlikely to result in an adverse impact upon the amenity of local residents living in proximity to the site or to any nearby villages. This is considered to be in-compliance with the principles of the NPPF in relation to amenity protection, the guidance on noise contained within the PPG, and with the amenity protection elements of 'saved' Policies 4/1 and 4/14 of the NYMLP and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application.
- 7.14 With regards to air quality, there is an approved dust mitigation scheme for the existing operations on site. The Environmental Health Officer responded previously to planning application (ref. C8/37/177A/PA) with no objection subject to previous conditions controlling air quality being included on any subsequent decision notice. The consultation response from the EHO in regards to this current application also stated that the proposed dust mitigation scheme is similar to Condition 13 of Decision Notice C8/2/12/1045/CPO and they are happy for this to be the system used on site.
- 7.15 In relation to dust emissions generated from the site, it was noted at the time of the grant of planning permission C8/2011/0546/DPC that the site continued to operate dust monitoring at the site as part of the previously approved conditions for the site. Although no complaints have been received regarding dust generated from the operation of the site, it is considered appropriate for all conditions relating to dust to be brought forward from the previous planning permission in the event that consent for the current proposal is granted. The inclusion of condition 8 on this permission would secure mitigation of dust, which could potentially be generated by the proposal including the details of the wheel washing facilities to be used, the water source and capacity and the method of water distribution onto stockpiles and roadways during

dry and windy weather. On the basis that such measures are secured through condition and continue to be implemented at the site, it is considered that the impact of dust upon local amenity is likely to be minimal. This is considered to be consistent with the guidance on dust control contained within the PPG in regards to air quality, along with the principles of the NPPF Paragraph 123 in relation to the protection of local amenity. It is, considered that in terms of air quality the proposed development is in accordance with 'saved' policy 4/14 of the NYMLP and 'saved' Policies ENV1 and ENV2 of the Selby District Local Plan, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application.

- 7.16 For the reasons detailed above, whilst the objection in regards to noise and the impacts of further extraction to the application is noted, it is considered that the proposed development would not result in any adverse impacts upon residential amenity. Therefore with unavoidable noise from the site being able to be controlled and mitigated to minimise the impact, it is consistent with paragraph 144 of the NPPF. Therefore, the proposed development is considered to be in compliance with the principles of the NPPF, PPG and 'saved' policies 4/1(c&e) and 4/14 of the NYMLP , policy SP1, SP13(d) and SP19 of the Selby District Core Strategy Local Plan and 'saved' Policies ENV1, ENV2 and EMP9 of the Selby District Local Plan.

Landscape, Visual Impact and Restoration

- 7.17 It is considered that the previously approved restoration scheme remains the most appropriate method of achieving an improved standard of landscape for the site. The restoration consists of the ecological restoration of the western area of the approved site, incorporating a pond, pond margins, amenity grassland and tree and shrub planting. Also including a "cliff face" on the southern boundary of the Eggborough site for sand martins to continue nesting in. The restoration profile for the extraction site would be formed to fall in a generally southerly direction while maintaining the existing ground level at the western and northern boundaries to the extraction area. It aimed to limit the effect of operations upon the character and visual appearance of the local landscape and surrounding area. This approach to the restoration of site is still considered to be appropriate, resulting in a positive impact upon the character of the site and wider surrounding area. The proposed development seeking the final small area of extraction and its restoration would fit within the restoration landform for this site, Figure 4 attached to this report is a plan submitted for this application showing this.
- 7.18 The proposed development would involve soil stripping, extraction and screening of sand, transporting sand to market by road and phased restoration. This would result in the loss of field patterns, trees and vegetation within the application site and would include a 3 metre standoff of extraction from the boundary of the site. The field patterns to the east of the application have already been lost therefore it is reasonable to conclude that the additional loss associated with this small extraction area would be minor. However, the restoration plan has been updated to incorporate the application site and mitigate the effects of this development. The planting plan ref. ES/MIN17/06 (received 5th May 2017) submitted with this application shows the proposed landform contours, with it being amenity grassland and a hedgerow on the western and northern boundaries. The surrounding land is predominately in agricultural use but the Eggborough Power Station to the north is a prominent feature in the area and would be during the time period this extraction would take place until 2019, effecting the landscape more so than the further extraction would. It is noted that the current proposal has received no objections from the County Councils Principal Landscape Architect or Ecologist. As noted previously, the proposed development is considered unlikely to result in any adverse impact upon local amenity or other matters of importance, despite the objection raised to the application.

- 7.19 An acceptable restoration scheme was approved as part of planning permission reference C8/37/177A/PA (granted 2014) covering the area where mineral extraction is due to continue as part of this planning application. However this permission has expired, so the area where mineral extraction is proposed in this application does not have planning permission for the subsequent disposal of inert waste and restoration. The landform would be formed from overburden and the replacement of soils taken from the application area.
- 7.20 The approved restoration scheme for the Eggborough Sandpit site is shown on Drawing Number 200-005 dated February 2008 which was approved as part of planning permission reference: C8/37/160B/PA, granted in 2009, as shown in Figure 5 attached to this report. A detailed 5 year aftercare scheme was also approved as part of the discharge of planning conditions of planning permission reference: C8/37/160B/PA, granted in 2009. The proposed restoration scheme for this application has been amended to fit into the existing scheme and is attached to this report as Figure 4 – Restoration Plan. The restoration scheme for this area of the site consolidates the existing restoration aspects at this south west corner of the site and it is proposed that the restoration of the minerals workings are directed towards the amenity grassland in the previously approved Restoration Scheme for the infilling and restoration. This restoration scheme is therefore in compliance with the ‘Saved’ NYMLP Policy 4/18 as the primary intended use is agriculture, which would be the best practicable use of the land when incorporated into the restoration of the Eggborough Sandpit site, and include carrying it out at the nearest possible time, in line with the current permissions for the restoration of the site. This is also in line with Paragraph 144 of the NPPF.
- 7.21 The proposed restoration scheme is considered acceptable by the County Council’s Principal Landscape Architect, although a request has been made for a landscaping scheme be conditioned with any approval. It is considered that such a scheme would enable the restored site to further blend back into the landscape of the area. It is, therefore, considered that, subject to the requirement for a landscaping scheme, the timescales for restoration, the proposed restoration scheme, and detailed 5 year aftercare is acceptable.
- 7.22 There are no proposals to alter the scheme of aftercare previously approved relating to the agricultural restoration of the Eggborough Sandpit Site. It is considered though still appropriate to secure the aftercare of this site through the imposition of a condition. The requirement for a securing the aftercare of the site is in-compliance with ‘saved’ Policy 4/6 (a) and 4/20 of the NYMLP, which seek to ensure that sites are restored with appropriate aftercare secured to ensure high environmental standards and nature protection. This is considered to be consistent with the principles of the NPPF which seeks the effective restoration of mineral sites at the earliest possible opportunity and as outlined within paragraph 144 of the NPPF. Therefore, it is considered that the proposed development remains acceptable in principle and is still considered to be a suitable scheme of working and restoration which would ensure that the final restored land is to an appropriate standard for agricultural after-use.
- 7.23 For the reasons detailed above, it is considered that the proposed development would not result in any adverse impact upon the character of the area and would continue to achieve a suitable final restored landform which would have a positive impact. Therefore, the proposed development is considered to be consistent with the principles of the NPPF in relation to local landscape character as outlined within Chapter 7 of the Framework including paragraphs 109, 112, 118, 120 and 122 and the PPG in regards to the natural environment. It is also in compliance with the landscape and character protection elements of ‘saved’ Policies 4/1 (f&g), 4/14, 4/18 and 4/20 of the NYMLP, Policy SP15, SP18 and SP19 of the Selby District Core

Strategy and 'saved' Policy ENV1, ENV2, ENV21 and EMP9 of the Selby District Local Plan, all of which seek to ensure that the restoration of minerals sites and developments generally, would include landscape requirements to enhance the character and appearance of the site and local area, adding further weight in support of the application.

Highways Matters

- 7.24 The Highway Authority has not objected to the continuation of sand extraction until 6 January 2019. It is considered that as the proposed development would not increase HGV movements above those already permitted for the site and therefore the proposed development would not have a detrimental impact on the highway network. There are also existing wheel washing facilities on site and a mobile road sweeper, which are proposed to remain.
- 7.25 A complaint has historically been received in relation to vehicles leaving the site un-sheeted and the condition of the highway from operations at the site. Each of the alleged breaches of conditions have subsequently been investigated by the County Council's Monitoring and Compliance Officer the last complaint was received on 14 August 2015 in regards to alleged out of hours working which was submitted with a planning application at the time. Investigations into the previous complaints have found no evidence of any such breaches having occurred in relation to out of hours operations and unauthorised un-sheeted vehicles which is to be conditioned with this application, whilst complaints in relation to the condition of the public highway pre-date the current operator's ownership of the site. Furthermore, the last two site monitoring visits on 12 February 2015 and 6 August 2014 have found no breaches of planning control.
- 7.26 It is noted that a number of conditions were imposed upon planning permission C8/37/177A/PA, to limit the impact of vehicle movements generated by the site on the surrounding highway network and upon local amenity. Including HGV movements for the application site were controlled by planning permission reference C8/37/177A/PA. It is proposed the same conditions are attached to this permission in regards to HGV movements are limited to 108 per day (54 in and 54 out). Other such measures included restrictions on the permitted hours of working; the inclusion of measures to prevent the deposit of material on the highway network and the sheeting of vehicles. It is considered appropriate that the conditions relating to further highway controls, imposed on the previous planning permission for the application site which is now expired, are brought forward in the event that planning permission is granted. This would ensure that the proposed development does not result in any adverse impacts upon the local highway network in line with the principles of the NPPF Paragraph 32 in relation to sustainable highway networks, and the highway protection elements of 'saved' Policies 4/1 and 4/13 of the NYMLP, and 'saved' Policies ENV1, T1 and EMP9 of the Selby District Local Plan, all of which seek to ensure that vehicle movements generated by developments are both capable of being accommodated by, would not have an adverse effect upon the local highway network or prejudice the safety of the highway, adding further weight in support of this application.
- 7.27 For the reasons detailed above, notwithstanding the comments made by the objector to the application, it is considered that the proposed development would not have an adverse impact upon the local highway network, which is capable of continuing to accommodate the proposed vehicle movements. Therefore, the proposed development is considered to be in-compliance with the NPPF, the highway protection elements of the 'saved' Policies 4/1 and 4/13 of the NYMLP and 'saved' Policy ENV1, T1 and EMP9 of the Selby District Local Plan.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the extraction of the residual deposit of sand from land west of the sandpit until 6 January 2019.
- 8.2 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 proposed development has been established through the previous grant of planning consents with the extraction of sand being in an appropriate location;
 - ii.) the proposed development would not result in any adverse impacts upon residential amenity;
 - iii.) the proposed development would not result in any adverse impact upon the character of the area and would continue to achieve a suitable final restored landform which would have a positive impact;
 - iv.) the proposed development would not have an adverse impact upon the local highway network, which is capable of continuing to accommodate the proposed vehicle movements;
 - v.) The development accords with the relevant provisions of the NPPF, PPG, 'saved' policy 4/1, 4/6(a), 4/13, 4/18, 4/20, 5/1 of the NYMLP (1997), Policies SP1, SP13, SP18 and SP19 of the Selby Core Strategy (2013) and 'saved' policy ENV1, ENV2, ENV21, T1 and EMP9 of the Selby District Local Plan (2005).

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

Conditions:

1. The permission hereby granted is valid only until 6 January 2019 and the operations hereby permitted shall be discontinued and the land restored in accordance with Drawing Number ES/MIN17/05, Restoration Plan (received 5th May 2017), Drawing Number ES/MIN17/06 Planting (received 5th May 2017) and Drawing Number MBEL/ME/RP/1A approved under permission C8/37/177A/PA.
2. The permission hereby granted permits sand extraction in the area bounded red on Drawing Number ES/MIN/17/02, with a standoff of 3 metres from the extraction area to the existing vegetation on the site boundary as stated in '170808 Agents Response To Landscape Consultation', dated 8 August 2017.
3. The development hereby permitted shall be carried out in strict accordance with the application details dated 7th February 2017 and the following approved documents and drawings:
 - Ref. ES/MIN17/01, Location Diagram, received 20th April 2017
 - Ref. ES/MIN17/02, Location and Ownership Plan, received 20th April 2017;
 - Ref. ES/MIN17/03, Site Plan, received 20th February 2017;
 - Ref. ES/MIN17/08, Block Plan, received 5th May 2017;
 - Ref. ES/MIN17/04, Existing Contours, received 5th May 2017;
 - Ref. ES/MIN17/07, Sections, received 5th May 2017;
 - No Ref, Supporting Information, received 5th May 2017.

4. No mineral extraction or associated operations shall take place except between the following times:

0800 – 1700 Monday to Friday.
No activities shall take place on Saturdays, Sundays or Bank and Public Holidays.
5. During the working hours specified in Condition 4 above, noise from operations on site shall not cause the Leq 1hr sound level to exceed 55dB(A) as measured from the boundary of any residential property. In the event that the noise level specified above is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in-compliance with the above level.
6. The development shall be carried in accordance with the noise monitoring scheme “Kirby Charles Associates Ltd” “Noise Monitoring Scheme” (ref: KCA100308/2285NMS) dated March 2009, as approved under the terms of Condition 9 of planning permission C8/37/160B/PA on 19 June 2009. With the exception that the frequency of monitoring shall be on an annual basis, rather than the quarterly basis specified in the 2009 scheme.
7. The development shall be carried out in accordance with the dust control scheme titled ‘Decision Notice C8/37/160B/PA – Condition 8’ submitted on the 25 March 2009 and approved by the County Planning Authority on 19 June 2009, including the measures proposed to control dust, details of the wheel washing facilities to be used, the water source and capacity and the method of water distribution onto stockpiles and roadways during dry and windy weather.
8. 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 A645 Weeland Road.
9. The wheel washing facilities shall be kept in full working order at all times. All vehicles involved in the transport of materials 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.
10. All vehicles exporting sand off-site shall be securely sheeted or otherwise enclosed in such a manner that no material will be spilled on the public highway.
11. HGV movements through of the site entrance shall not exceed 108 per day, 54 in and 54 out.
12. No HGV vehicles exiting the site shall do so except by turning left onto the A645.
13. From the date of this permission vehicle movements shall be recorded, entering and exiting the site. The details of these records shall be made available at the request of the County Planning Authority throughout the duration of this permission.
14. A copy of this permission and all approved documentation shall be made available on site for inspection during normal working hours until the plant and machinery is removed from the site in accordance with the timescales outlined in Condition 1. Their contents and existence should be made known to all operatives likely to be affected by matters covered by them.
15. The development hereby permitted shall not commence until such time as a scheme for monitoring groundwater levels has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall, where necessary, be

supported by detailed calculations and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the County Planning Authority.

16. There must be no interference with any drain or watercourse belonging to the Network Rail. Furthermore there must be no interference to any existing drainage rights that the Network Rail may enjoy at present.
17. Storm or surface water must not be discharged onto or towards Network Rail's property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or runoff affecting railway property.
18. Tips or stockpiles must be positioned at a distance from the railway infrastructure so as not to interfere with railway operations.
19. No further development shall take place until a detailed landscaping scheme for the site has been submitted to and approved in writing by the County Planning Authority. Such scheme shall include details of:-
 - Final levels, soils and fencing;
 - The location of all existing trees, shrubs and hedgerows to be retained and proposals for their protection and maintenance, including a commitment to any replacements required throughout the life of the development;
 - The position, species, density and initial sizes of all new trees and shrubs including advance planting to fill any gaps in the existing site boundary;
 - Details of areas to be seeded and grassed;
 - The programme of implementation;
 - The arrangements for subsequent establishment maintenance and aftercareThe arrangements for subsequent establishment maintenance and aftercare for a period of 5 years after the completion of restoration of the site;

Thereafter the scheme shall be implemented in full as approved.

20. Any topsoil and subsoil taken from the application site shall be retained for use in restoration of the site and shall be stored separately from each other in such locations in accordance with Drawing Number ES/MIN17/08, received 5th May 2017.
21. Aftercare operations at the site shall be carried out in strict accordance with the principles set out in the aftercare scheme 'Michael Armitage' "Restoration Scheme" and "Aftercare Scheme" dated 7 May 2008, approved as part of planning permission C8/37/160B/PA.

Reasons:

1. To ensure the timely restoration of the site;
2. To ensure a satisfactory form of development;
3. To ensure that the development is carried out in accordance with the application details.
- 4-7. To protect residential amenity.
- 8-13 In the interests of highway safety.

14. To ensure a satisfactory form of development.
15. To protect controlled waters because the scheme is located on the boundary of a source protection zone on a principal aquifer.
- 16-18. To ensure the safety, operational needs and integrity of the railway.
19. In the interests of the environment and visual amenity.
- 20-21. To ensure the satisfactory aftercare of the site.

Informatives:

- Cranes and jibbed machines used in connection with the works must be positioned that the jib does not swing over the railway property. All machinery and plant must be positioned and used to prevent accidental entry onto the railway property in the event of failure.
- Sufficient best practices and pollution prevention measures should be in place to prevent any deterioration of the groundwater quality associated with the proposed activities. Groundwater position statements from the Environment Agency are available from gov.uk.
- Due to the presence of nesting birds of various species within the site, any vegetation removal should be undertaken outside the bird breeding season which runs approximately from 1 March to 31 August. This is because all breeding birds, their eggs, nests and young are protected under the Wildlife and Countryside Act 1981 (as amended). As noted in the ecology report if this is unavoidable then a suitably qualified ecologist should search the vegetation prior to removal.

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
Growth, Planning and Trading Standards

Author of report: Sam Till

Background Documents to this Report:

1. Planning Application Ref Number: C8/2017/0516/CPO (NY/2017/0041/FUL) registered as valid on 5 May 2017. 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.

Figure 1 –Committee Plan

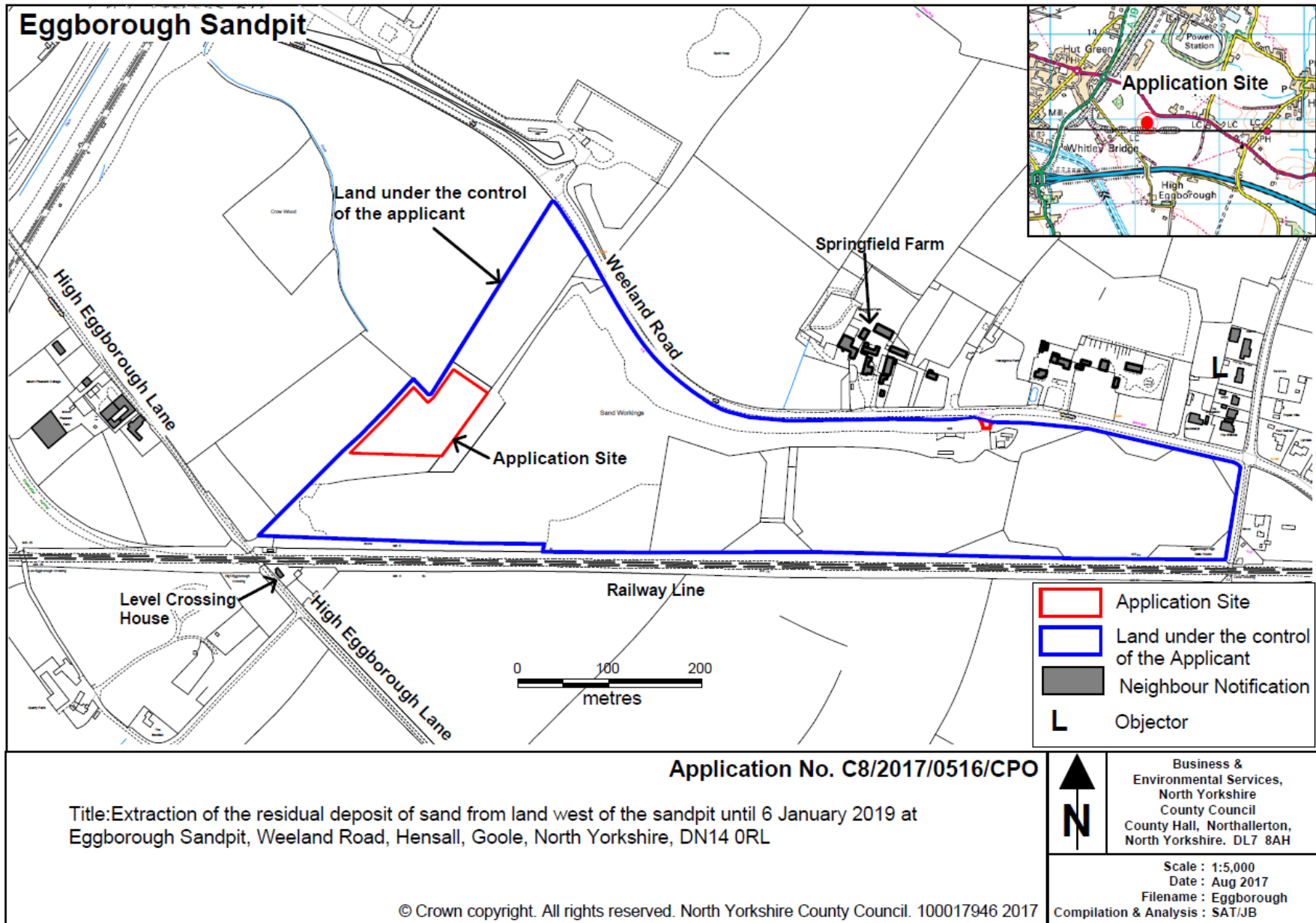


Figure 2 – Location Plan

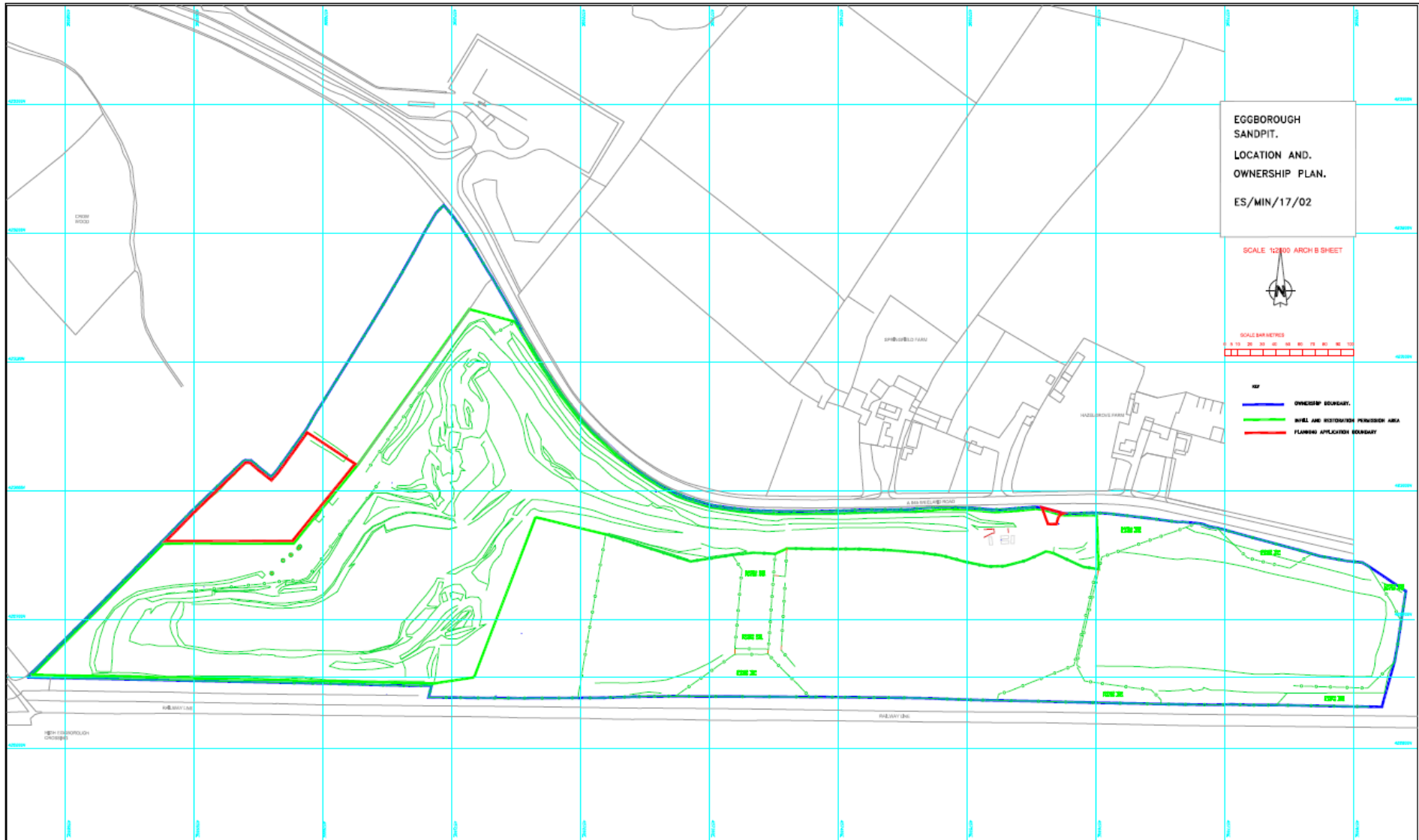


Figure 3 – Block Plan

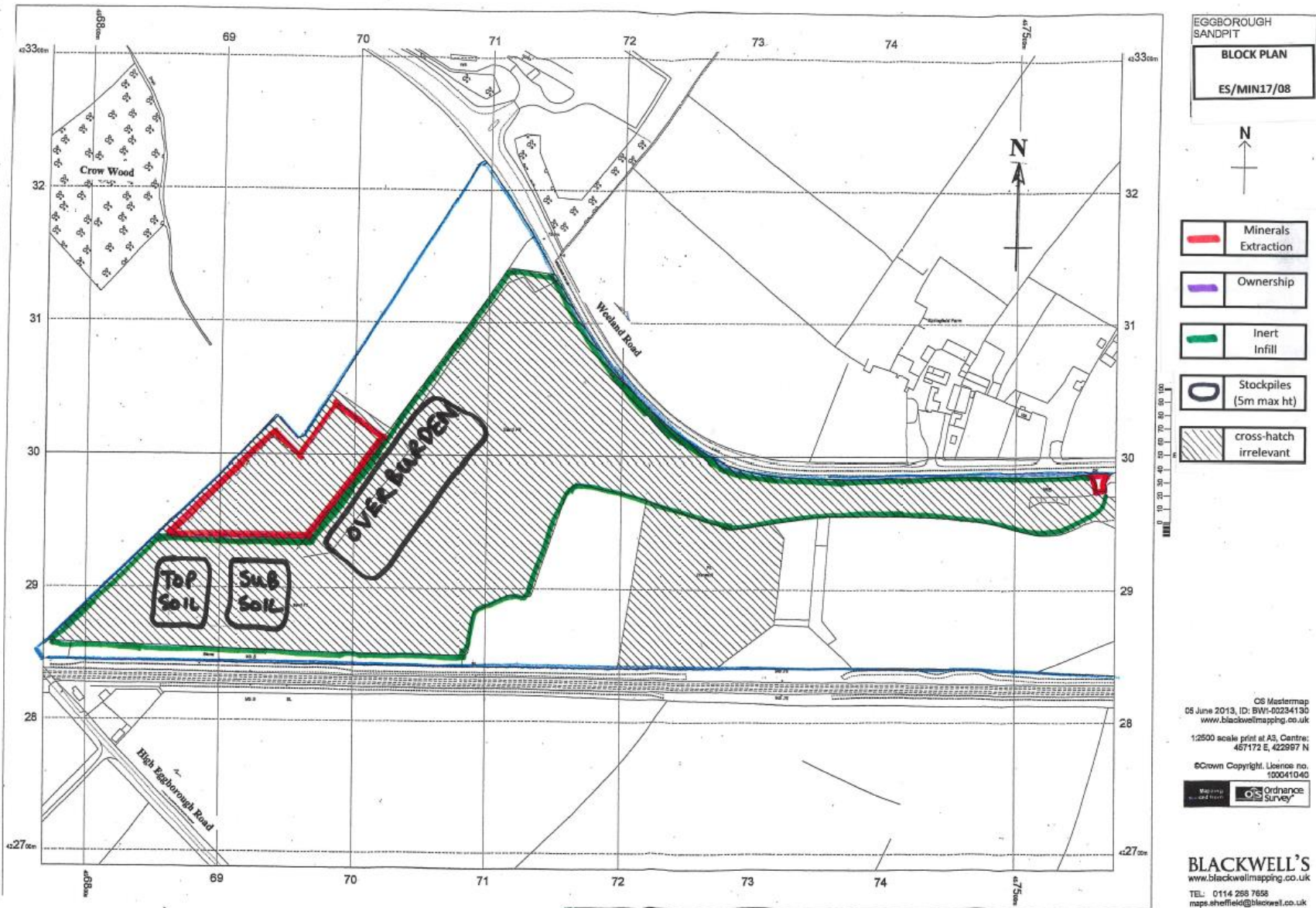


Figure 4 – Proposed Restoration Plan

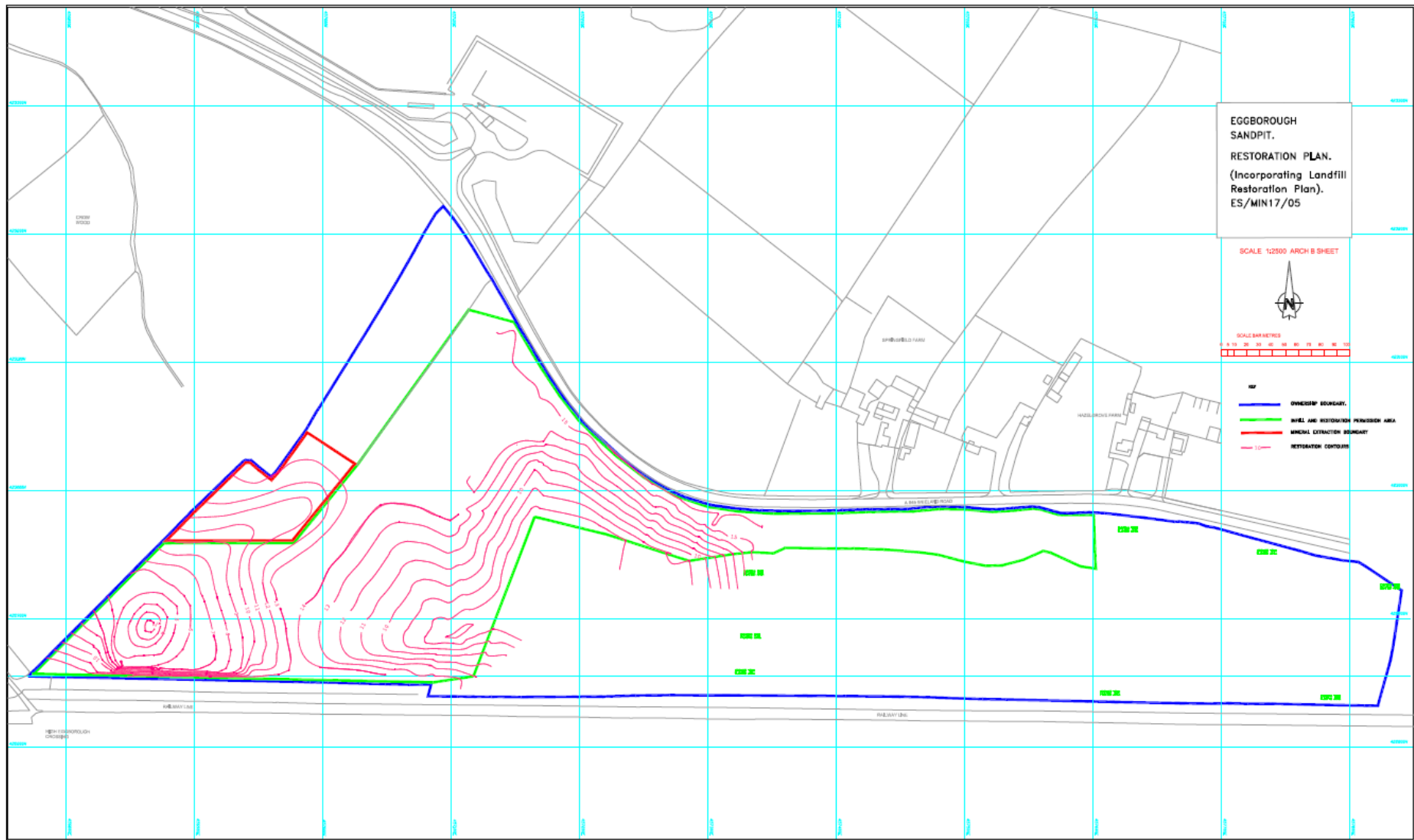


Figure 5 – Approved Restoration Scheme for Eggborough Site (Ref. C8/37/160C/PA. Drawing Number 200-005 dated February 2008)

